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*New Series*

# The Federalist Debate

Papers for Federalists  
in Europe and the World

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*The problem of establishing a perfect civil Constitution  
depends on the problem of law-governed external relations among nations  
and cannot be solved unless the latter is*

Immanuel Kant

# The Federalist Debate

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# Globalization and a World Parliament

*Lucio Levi*

"Globalization" has become a buzz word, and it is arousing the typical disquiet that comes from the prospect of deep and inevitable change. It is the word most commonly used to designate the new era that mankind has entered.

For the first time in human history, there is a market economy stretching all the way around the globe, driven by the revolution in production, communication and information technologies. The world is fast and irresistibly approaching unity.

But globalization is not driven by economic incentives alone: there is an irresistible historic force at play that is even stronger than the determination of any government or political party. It is the force generated by new methods of production, and it is giving every segment of society a dimension far greater than that of even the greatest sovereign state. Why else would even the United States, the strongest economic power in the world, be seeking a free trade zone stretching right across the Americas, to build a large enough market to compete against other economic zones - primarily Europe - that are being organized in the rest of the world? This is a process of change that can be speeded up or slowed down, but certainly not accepted or rejected.

## **Should globalization be opposed or governed?**

Some oppose globalization in an effort to counter the inequalities and imbalances it causes. The problem is not how to stop globalization. A return to protectionism would constitute a reactionary attempt – and an over-ambitious one doomed to failure – to halt the powerful productive forces that are driving the human race towards unification. It goes without saying that mankind can only

benefit hugely from the development of a division of labour among the different parts of the world. By tearing down the barriers that hinder the creation of a single world market, globalization increases wealth and produces new opportunities for prosperity. Of course there is a "downside", such as jobs lost through the development of automation, but there are also advantages in new jobs being created.

Thus globalization is not the problem, it is part of the solution. Globalization is a positive force underpinning the solution of the world's primary problems: poverty, marginalization and inequality. What needs remedying is the fact that the benefits of globalization are spread unevenly throughout the world. Most of the benefits are going to the huge multinational corporations and financial concentrations that dominate the world market, and to the United States, the last of the world's superpowers. Despite its declining power, the United States nevertheless maintains a dominant position. Those who are on the losing end should not blame globalization, but rather the way they are governed.

We can hardly expect the "invisible hand" of the world market to achieve such collective values as full employment, aid to the backward countries, or environmental protection, much less international democracy.

In the absence of effective worldwide political institutions, the growth of interdependence is destined to end up by accentuating inequalities, and breeding international unrest and conflicts.

The question we must ask ourselves is this: what are the conditions for making globalization a positive force for all peoples, instead of leaving billions of people in the grip of poverty?

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The inevitable challenge for the forces of progress lies in proving that they are capable of governing globalization. But first, there is an institutional issue that has to be resolved: new forms of supranational government need to be organized at the global level, to pave the way for all the peoples of the world to democratically share in controlling globalization.

### **The decline of the sovereign state**

Globalization has been studied primarily as an economic process, while its political dimension has been largely neglected. The fact that the market has become global while governments have remained national is a contradiction that highlights a significant new development—the decline of the sovereign state.

States are no longer the only players on the international political stage. In their twilight years nation-states now share the limelight with new players: the giant multinational financial and productive corporations, and non governmental organizations.

These are the protagonists of today's "global civil society", a rather ambiguous term that encompasses progressive aspects such as an increase in the volume of world trade, the overcoming of barriers between national markets and the global market, and the emergence of worldwide voluntary movements, along with violent criminal phenomena like arms and drug trafficking and international terrorism.

International mobility allows vast capitals to escape taxation. A decline in the power of a nation to levy taxes brings with it a decline of the *Welfare State*. When sovereign states decline there is a parallel decline in democracy. Where democratic institutions do exist, i.e. at the national level, there is no crucial decision-making about the future of peoples. Conversely, these decisions are taken at the international level, where instead of democratic institutions, there are centers of political power (the United States) or economic power (the multinational corporations), neither of whom are

accountable to the world citizens.

Democracy is therefore lamentably lacking in decisions taken at the global level.

### **The response of governments**

The response of governments to globalization has been to pursue international cooperation, not because it is their inclination, but because they have no other choice. International meetings and organizations are multiplying: they are clear evidence that governments are seeking a solution to problems they cannot solve alone.

The most widespread definition of this way of managing globalization is the expression *global governance*. This is a formula that justifies the existing world order; it is based on the principle of national sovereignty, and on the dominance of multinational corporations in the world market and of the United States in world politics.

It is a formula that stands as an explicit alternative to the federalist goals of a world government and international democracy.

The assumption that underpins these goals, whose affirmation must necessarily be conceived as gradual, is that globalization cannot be governed by decision-making processes based on the principles of unanimity and veto, as adopted by international conferences.

### **The response of civil society**

How has civil society responded? It has tried to strengthen its influence over international politics. The great concentrations of economic power have gained the greatest benefits from market globalization, allowing them to escape the control of governments. And then there are the non-governmental organizations. Some have taken on the role of opposing international organizations and globalization itself, as can now regularly be seen at every international summit meeting.

These are citizens protesting against being excluded from representation within international

organizations. Other NGOs are integrated in the state system and are recognized by international organizations. They participate in international conferences in an advisory capacity and exert real influence on negotiations. One wonders, however, how representative they really are: in the absence of international elections it is impossible to measure the degree of consent supporting them.

### **Towards a World Parliament**

The role that the movements of civil society have acquired on the international scene paves the way for new forms of political action, now termed the *new diplomacy*.

One of the most compelling examples is the alliance between reform-oriented nations and NGOs, which generated enough critical mass to give rise to the ICC.

According to two American academics, Richard Falk and Andrew Strauss, who published an article in *Foreign Affairs* at the beginning of this year entitled *Toward Global Parliament*, an alliance such as this could give rise to a treaty instituting a World Parliament. It could begin to exist after being ratified by a minimum number of states (incidentally, the ICC will come into force after ratification by 60 states), and remain open to membership by all other states. There is too little space here to discuss this project, so I will simply mention the main task the world federalists should take upon themselves, i.e. the organisation of a NGOs coalition in order to promote a campaign for a World Parliament.

However, I would like to emphasize the difference between Falk and Strauss's project and the

federalist one. What the two authors fail to state is that in order to democratize globalization, a global Parliament is not enough.

The experience of democratic regimes teaches us that no parliament can govern a country alone. A government is necessary. So the World Parliament must be seen as a crucial milestone on the way toward forming a democratic government endowed with the necessary powers to enforce the laws approved by the World Parliament.

### **The role of European Federation**

There is no concealing the fact that the plan to bring globalization under democratic control is meeting with formidable opposition, primarily on the part of the government of the United States, which will not let its power be lessened by the international organizations that it belongs to, nor by movements arising in a global civil society. To defeat the opposition of the United States a center of power must emerge with the capability of supporting the plan for a world democratic order. The European Union could be such a power. However, if it is to speak with a single voice, Europe must complete the process of federal unification. With a Parliament elected by universal suffrage, Europe is the laboratory of international democracy. But it could also become the driving force behind the formation of a new generation of global institutions. It is reasonable to believe that Europe will hold sufficient power to relieve the United States of some of their overwhelming world responsibilities, and thus have the authority to persuade them to support the democratic reform of the United Nations.



# Development, World Peace and the New Millennium

*Yadav P. Pant*

The United Nations Secretary General, Mr Kofi Annan, opening the Millennium Summit on September 5th, 2000, the largest-ever gathering of world leaders, challenged world leaders to protect their people from misery and to develop an agenda that would forge peace and bring an end to poverty and disease. Likewise, in his remarks at the opening, the US President Bill Clinton spoke of the dawn of a new era where globalisation and information technology are bringing people closer, and of the kind of challenges and responsibility lying ahead of the UN. In this overall context, broadly, there are five dimensions for development.

Peace is regarded as the foundation of development itself. Though development has taken place after crises or wars (for example, Japan, Germany), peace is fundamental for economic progress. Tensions occur when there is no development. The meaning of peace-building is to pinpoint and support the foundations which tend to fortify peace, so as to prevent a relapse into conflict. As such, peace-building can give a push to development for nations that have recently recovered from crises.

The second factor is the economy itself. The engine of development is economic growth: without economic growth, there cannot be any sustained increase of household and government consumption, of private or public capital formation, of health and security levels. Two pre-requisites are necessary for sustained growth. They are: (a) conducive domestic environment and (b) a supportive global environment. Unless there are viable national policies, increased aid will

do more harm than good. There have been efforts by the developing countries to form, in response to the G-7 of industrialised countries, a cohesive group of seven or fifteen of their own. The outcomes however have so far been very disappointing.

The third factor is the environment, as a basis for sustainability. The environment has a key effect on the countries at all stages of development. Environmental degradation decreases both the quality and quantity of many resources utilised directly by people. Water pollution destroys fisheries. Increasing salinity and the erosion of topsoil lowers crop yields. Quite often, agricultural devastation has led to famine and malnutrition. Rapid and excessive logging and the devastation of rain forests have razed vital natural habitats, and frustrated global bio-diversity.

Justice as a pillar of society also contributes to overall development. Development occurs within defined social conditions, but all aspects of society are influenced by development. Economic progress and technological transformation influence human relationships, societal structures, values and lifestyles. More harmonious social and economic relations and societal cohesion supply a solid and adaptable basis for attaining long-term growth. One should recognise the significance of the social dimension for development and act upon it. Each country should address social development within its own society, and each also has a duty to progress towards a more internationally-oriented solution to these challenges. The current period of a changed global atmosphere provides a golden opportunity to do so in an ambience that is

relatively free from excessive ideological tensions. It is an opportunity to be seized and turned to advantage.

Lastly, democracy contributes to good governance. The connection between development and democracy is intuitive, yet it remains difficult to explain. Empirical evidence has shown that development and democracy appear in the long-term to be inseparable, however events have not always pointed to a clear causal link between the two processes. In a sample of countries a certain level of development has paved the path for democratisation. In other countries, democratisation has led the way to an economic revolution.

Based on the above dimensions of development the world has entered the new century and millennium with new visions and hopes.

The world we are living in is one of diversity, with nearly two hundred countries and regions and more than two thousand five hundred nationalities and ethnic groups of varying civilisations, religions and beliefs, values and traditions. This is the reality; but diversity is to be considered a valuable asset, not a source of conflict. The essential approach must be to promote mutual respect, tolerance, inclusiveness, exchange and co-operation. Recognising the world of diversity and guided by the principle of seeking a common ground while resolving differences, the countries and regions will coexist and boost the development of human society. Denial of the diversified world and an approach of intolerance and discrimination will bring mutual repulsion and wars.

A new international political and economical order of justice, equality, respect for diversity, mutual benefit, dialogue and co-operation should be established in the 21st century. Democratic relations are the call of the 21st century. It implies that the internal affairs of a country should be decided upon by the people of that country; the

international affairs among the countries of the world, big and small, strong and weak, should be dealt with through consultations on an equal footing. In other words, a superpower or a small group of big and rich powers should not monopolise world affairs.

We should note that one of the great historic achievements of the 20th century is that more than one hundred countries have freed themselves from colonial rule and won their independence, sovereignty and dignity. They began to participate in international affairs as equal partners, yet their road to full participation should be made easier by the international community by seriously taking into consideration the problems which are the most important for them.

Economic globalisation is an irresistible tide. If it manages to fight poverty, it will greatly spur the world economy and benefit humanity at large. Despite its great advantages, the adverse effects of globalisation have increasingly attracted worldwide attention. For developing countries with limited capabilities, the challenges and risks posed by globalisation appear much greater than the opportunities offered. Besides, globalisation has foreseeable but hardly predictable implications in social, political and legal areas. We hope that the UN, WTO, World Bank and the IMF will work jointly to convene a future General Assembly session devoted to studying and deliberating on the problematic issues of globalisation and its management.

Eradication of poverty is still a priority on the agenda of the international community. Approximately 1.2 billion people – 500 million in South Asia – struggle for survival on less than \$1 per day. The countries concerned should double their efforts to reduce poverty, and the international community should provide more assistance. The developed countries should renew their pledge to devote 0.7% of their GNP to official development assistance programmes, to help developing

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countries to gain access to markets, and to facilitate technology transfers.

Environmental protection is extremely vital to us and to the well-being of future generations. We urge all countries to implement "Agenda 21" with a great sense of urgency and achieve noticeable advancements before 2002 – the 10-year follow-up to the Conference on Environment and Development.

The protection and promotion of human rights is a great goal of the UN charter and is a solemn commitment of all countries. Developing countries knew through their inhuman suffering under colonial rule that human rights and dignity cannot be separated from national independence and sovereignty. Human rights are indivisible and interrelated. The West's inclination to extolling political rights while depreciating economic and social rights, or vice-versa, is one-sidedness. Divergences in perception and interpretation do exist and can be ironed out through dialogue and co-operation rather than resorting to confrontation. Human rights issues should not be politicised to serve as a means of exerting pressures or as an excuse for poking one's nose into the domestic affairs of others. The plight of the disadvantaged and the vulnerable, such as women, children, persons with disabilities and the aged, should be given special attention. We urge that an international covenant be drafted and signed.

Separatism and terrorism are cancers of the international stability and security. In the world of today, fewer than 20% of all countries are ethnically homogeneous. Many cases of separatism demonstrated that it is instigated and supported by external demagogues with evil intentions and that it is interwoven with terrorism. The international community should not permit political maps to be redrawn and countries dismembered.

To keep pace with the rapid world development and contribute to world's peace the UN should undergo necessary reforms, based on the purpose and principles of the UN charter and targeted at

their better implementation. The success of UN reform lies mainly with:

- a) the adequate representative presence of developing countries in the Security Council and the transparency of its consultation process;
- b) the strengthening of the roles of the General Assembly and the ECOSOC for the benefit of the developing majority;
- c) satisfactory responses of the IMF and the World Bank to the concerns voiced in the UN; and
- d) timely and full payment by member states of their financial obligations.

It is heartening that all the countries (150) participating in the Summit have focused on the issue of UN reform. Both President Bill Clinton and the UN Secretary General, Kofi Annan, have urged all the member states to work collectively for the betterment of the world. Mr Clinton in his address underscored the need to provide the UN with adequate tools for peacekeeping operations; and that the institution must work to fight poverty, diseases, narcotics and illegal trade in precious stones. All these things come with a price-tag, and all nations, including the US, must pay for it. These prices must be fairly appointed and the UN structure of finances must be fairly reformed. In a similar vein Annan urged the leaders to study the report produced by a panel of independent experts that have detailed suggestions for strengthening the UN in the crucial areas of peace and security; Mr. Annan said that the world body must be strengthened across the whole range of its activities.

In addition, the Summit adopted the 21-point agenda on 8 September 2000, hailing the remarkable 'convergence of views' on its ambitious goal to reduce poverty – in the words of the UN Secretary General Annan: 'a promise to take action by 2015 towards achieving our first priority, the eradication of extreme poverty'.

However, the very vital query is: to what extent are we all going to translate these assertions into practice to attain the targets so boldly proclaimed?

# On Food Security

*Visvanathan Muthukumaran*

In understanding the concept of Food Security, one may start by considering household as a fundamental unit. A food secure household can be defined as one that has access to enough food for individual members of the family to lead a healthy life. Food is the basic requirement of any human being. But still, it is a dream to have nutritious food to a sizeable section of the world's population. Food shall ensure total growth of mind and body of all human beings. Food is not just calories; it is a part and parcel of culture and ecology. Agriculture is the foundation of life style and civilization.

More people have died as a consequence of hunger in the past 50 years than have been killed in all the wars, revolutions and murders in the last 150 years. No one died of hunger because there is not enough to grow around. There are enough resources and know-how to grow enough, store enough, distribute enough, and provide enough to everybody on earth. Hunger persists not because we cannot end it, but because we lack the will to get the job done.

We produce cereals to feed everyone, but cows, pigs and chicken consume a third of these. In the rich countries, apart from millions of tonnes of oil, cakes are used as animal feed although these can be consumed by human beings.

After the Second World War, there was a great hope for the world, especially for the Third World Countries, in wiping out poverty. Initially, most nations moved in the right direction in their quest for higher standards but over the

decades because of both external and internal factors and natural disasters, many emerging economies became precarious. Twice as many countries are short of food today as there were in the 1950s. In the 1960s, the world's economy expanded healthily with most developing countries attaining GDP growth rates of around 5 per cent per annum. In the 1970s, there was an increase in oil prices, high inflation and increasing fiscal deficits, production short falls and price fluctuations and the growth was confined to a very narrow base controlled by a small section of the population.

The low growth rate of agriculture in 1973-80, compared to 1965-73, in all regions, indicates the lack of attention paid to this sector. The result was that, despite the efforts of many Third World Countries, income distribution became increasingly distorted, economic growth faltered, and poverty and hunger became widespread.

In the 1980s, due to a sharp fall in oil prices, high interest rates, worsening debt burden and the mismanagement of resources at the global level aggravated external and internal imbalances in many countries. The full brunt of these events has naturally fallen on agriculture and the worst hit have been the poor in the countryside and marginal farmers and landless labourers.

During the colonial period, vast tracts of land in the colonies were used to cultivate crops like rubber, tobacco, cocoa, spices, coffee, sugarcane and cotton and they were exported. But this

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continues, although the colonies became independent and, in the process, the traditional food sector was neglected. The entire Third World Countries suffered because of the onslaught of this monoculture. As per the FAO, 40 per cent of all tobacco land is in the Third World. Valuable agricultural lands in the Third World are forced to produce cash crops for the sole benefit of the First World Countries. Not only fertile lands are sacrificed for cash crops, the commercialization of agriculture has led to the irrational use of food. Now, we concentrate in producing food to feed animals for meat production. For example, in Latin America, about 20,000 sq. km of land is converted for cattle grazing and this is due to the boom in the meat export market to the United States. For example, in India, cattle are an important source of manure and energy apart from providing food. But because of Trade Liberalization, export of cattle meat has started and this is going to be ecologically disastrous in the future. It is a pity that no attempt has been made to ensure that food exports and cash crop production should be carried out only when the food needs of the people are met.

A 1990-study of the FAO predicts that the Uruguay Round Agreement on Agriculture will slow the growth of food consumption worldwide, especially in the low income, food deficit countries. Asia, Latin America and Africa will lose both revenue and food security. East Asia will import 60 per cent more agricultural products than they did previously. South Asia will experience loss in its food trade. Latin American countries will find their agricultural bill rising, particularly for high price wheat, rice, fats, oils, meat, sugar and dairy products. The cost of agricultural imports in the African countries will grow from \$4 billion in 1998 to \$14 billion in 2000. Higher food costs due to increased monopolization will lead to further declines in consumption and famine will spread. According to one source (World

Resources Institute, 1998), global expenses on agricultural research has increased to 258 per cent over the past three decades, but not much has been spent on local food crops and farmers of marginal lands have not been touched.

Environmental concerns loom large on the horizon and represent a continuing threat to household food security. UNEP warns about an environmental time bank and that the world risks losing all its productive land in less than 200 years to desertification if the present annual loss of 27 million hectares continues. Given that food insecurity and malnutrition are directly related to environmental degradation, a systematic approach has to be followed in determining the desirable level of investment in environmental preservation. The explosive mixture of poverty and environmental degradation in developing countries undermines the global ecological balance and food security.

Weeds, pests and insects can be chemically controlled but the chemicals raise the environmental issues. Their indiscriminate use is harmful to human beings. So there is need for environmentally sound methods of pest/insect control. Overpowering images of famine and drought make it clear that there is no purpose served impeaching ecological and intergenerational equity to millions of people who are hungry. Instead, there has to be a community-led food security program, argues noted agricultural scientist Dr. M.S. Swaminathan, that protects the ecological foundations essential for sustainable food and water security.

A major share of the active rural population in developing countries is engaged in agriculture and, within agriculture, food production employs the majority. Training of small holders covers basic literacy, bookkeeping, accounting, group organization, improved farm practices and environmental measures. Women are in

fact the main food producers, income earners and guardians of family health and nutrition. Available data for 52 countries suggest that women constitute 20 per cent of total agricultural labor force. So special attention must be given while training women to enhance both their productive capacities and their contribution to family nutrition.

People's participation in the decision making process is very important. The involvement of small poor landholders, landless poor women in the design, preparation, implementation and evaluation of projects can make all the difference to escaping from poverty.

To enhance food security, production support has to be extended to individual small holders, so that they can raise productivity and not only meet their own needs but also supply the requirements of other food deficit households. Rural women are becoming farm laborers with increasing male migration to cities and any effort to raise rural food security must address them directly. Indigenous farming systems often contain a wealth of environmental knowledge, which needs to be assessed and adopted. NGOs can help food insecure households to achieve production and also can provide inputs, credits, training and technology together with support for marketing and storage.

Specific arrangements for food security at the global level or regional levels, through establishment of emergency reserves have been under consideration for a long time. In 1984 at Bucharest, a conference on global economic cooperation among developing countries on food and agriculture strongly supported efforts to set up a regional arrangement. However, progress has been relatively slow. In the SAARC, efforts are on to

continue the set up such as this one.

Most developing countries do not have adequate storage capacities, which make it difficult for them to purchase food in good years and carry the stocks to bad years. In order to cope with the needs of a growing number of people, food security is primarily a question of purchasing power on entitlement.

Consolidation of land holdings, through community participation, is essential in both planning and implementation of land reforms and land settlement schemes. The development of micro enterprises for the rural poor is desirable as they not only provide purchasing power by raising rural incomes, living standards, and help stem the flow of rural migration to cities.

The right to food and right to life can be achieved only through International Cooperation. Whether the problem is trade, debt or the role of women in environment, we will have to play a vital role in stimulating the decisions of the political machinery and sensitizing global leaders to exercise their political power to eradicate poverty.

The opening of the world market and the stability of the international monetary system depend on favourable political conditions. The decline of the United States role as world policeman and world banker demands a better balance of power, based upon the participation of an increasing number of world regions (the European Union, the Indian sub-continent, Latin America and so on) in the joint management of global problems. But, since co-operation produces a precarious order, the solution of global issues, such as food security, needs a world government, which can stem from the strengthening and the democratisation of the UN.

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# Has Our Future Really to Depend on Failing International Environmental Governance?

*Stefano Roncalli*

After The Hague failure in last November, a lot of new facts have been animating the world debate on environment in the last months. As everybody knows, the talks to make the Kyoto protocol operational were suspended because the US and EU delegates were not able to find an agreement on the "clean development" mechanisms and the international "emissions trading" system. Whilst reports providing new evidence about climate change were presented in Shanghai, Nairobi and Accra, such an agreement was found in March at Trieste, Italy, during the G-8 environment ministers' meeting, but did not last, due to President Bush U-turn. How should we consider now the Bonn meeting, where the talks suspended at The Hague will be resumed?

## **New evidence about climate change: Shanghai, Nairobi and Accra reports**

In January 2001 the Intergovernmental Panel on Climate Change (IPCC), the organisation created by the United Nations in 1988 to assess global warming trends, met in Shanghai to agree on what evidence of global warming should be used to set global environmental policies. At the end of a four-day meeting, IPCC drafted a report which foresees that global temperatures could rise by almost 6 degrees Celsius over the next century: such prevision doubles the top end of the increase previously predicted, 1.4 to 3.0 degrees.

Rising temperatures could trigger droughts, floods and other disasters from shifts in weather patterns, threatening to disrupt fishing, farming and forestry, and killing much of the globe's coral

reefs. Rising seas could flood heavily populated coastal areas of China, Bangladesh or Egypt. The most extreme projections say that melting Antarctic ice could raise sea levels by up to three metres over the next 1,000 years. The report shows also more clearly than ever that rising temperatures are the fault of industrial pollution, not of changes in the sun or other natural causes.

In February IPCC released in Nairobi, Kenya, a second volume describing how global warming affects civilisation and the natural environment. While highlighting the uncertainties, it details expected changes in ecosystems, extreme climate events, and much more. Commenting on the report, Michael Zammit Cutajar, Executive Secretary of the United Nations Framework Convention on Climate Change noted that it had powerful implications on how man shall deal with poverty and sustainable development over the coming decades. "No country can afford to ignore the coming transformation of its natural and human environment. The poor and the vulnerable are at the greatest risk and this report is a timely reminder that we need to pay more attention to the costs of inaction, and that the costs of action to cut emissions are just part of the climate change equation," he said.

The costs to cut emissions are economically feasible: this statement emerged from the Accra meeting in February, during the preparation of the third volume of IPCC report, finalised on technology and policy options for reducing greenhouse gases and calling on governments to recognise the economic and competitive benefits of making an

early transition to climate-friendly economies. The costs of climate changes policies could be minimised through "no regrets" strategies, which constitute nowadays a substantial range of technically feasible and cost-effective measures. For example, raising energy efficiency not only reduces greenhouse gas emissions, but can make industries and countries more competitive. Market-based incentives such as deposit-refund systems can encourage people to trade-in their cars for more energy-efficient models. Technology and performance standards can reward manufacturers for selling climate-friendly goods, or penalise those who do not.

### **Trieste G-8 environment meeting: a tentative agreement**

IPCC reports were recognised by G-8 environment ministers, who "shared the strong concerns about the environmental threats for our planet" during the meeting held in Trieste in March. The ministers reaffirmed their desire to reach a global accord on implementing the Kyoto Protocol and adopted a statement of intent attempting to bridge their differences on how negotiations should be taken forward. In particular, the compromise missed at The Hague was found in Trieste. At The Hague, the European Union and the US government could not come to an agreement on how much credit countries would get towards their greenhouse gas emission reductions from carbon sinks - trees and plants that absorb carbon dioxide in the atmosphere. The forest-rich US pushed for increasing the amount of credits given for carbon sinks. The US favoured allowing states failing to meet targets to buy credits from countries that have met their goals, as well as counting carbon sucked up by forests and farms. The EU opposed both proposals, arguing that nations must make real cuts to greenhouse gas pollution. Now in Trieste the G-8 ministers "recognise the importance of continuing consultations on issues such as sinks [...] and the importance of capacity building and technology transfer, as far as Clean

Development Mechanism".

The only cloud on this compromise was the fact that at Trieste the United States did still not say what its exact position was on global warming or on the greenhouse gas emission targets agreed at Kyoto. During his election campaign, Bush referred to Kyoto as "unfair to America" and said he would not implement it. In Trieste however Christine Todd Whitman, head of the U.S. Environmental Protection Agency, told reporters: "The president has said global climate change is the greatest environmental challenge that we face and that we must recognise that and take steps to move forward." Adding that the US would not backtrack from the agreement. A positive signal came also from Ms. Whitman's declaration that the administration was considering regulating, for the first time ever, power plants' emissions of carbon dioxide.

### **President Bush U-turn**

Ms. Whitman declarations at Trieste were welcomed by environmentalists, but provoked sour reactions elsewhere. Some US coal industry representatives were quick to point out the contradiction between the administration's plans to encourage use of coal and its hopes to cap carbon dioxide emissions, a by-product of coal combustion. Some senators, also not pleased, wrote to the president calling for clarification of his climate change policy, in particular the Kyoto Protocol and efforts to regulate carbon dioxide under the Clean Air Act.

The answer was a letter<sup>1</sup> to Senators Hagel, Helms, Craig, Roberts on March 13<sup>th</sup>, considered an about-face on a campaign promise to require reductions in emissions of "four main pollutants: sulphur dioxide, nitrogen oxide, mercury and carbon dioxide." The president noted that carbon dioxide was not considered a pollutant under the Clean Air Act and said a recent Department of Energy review had determined "that including

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caps on carbon dioxide emissions as part of a multiple emissions strategy would lead to an even more dramatic shift from coal to natural gas for electric power generation and significantly higher electricity prices. At a time when California has already experienced energy shortages and other western states are worried about price and availability of energy this summer, we must be very careful not to take actions that could harm consumers."

The position against the Kyoto protocol was instead coherent with the campaign promises: the "Administration takes the issue of global climate change very seriously." But Mr. Bush "oppose(s) the Kyoto Protocol because it exempts 80 percent of the world, including major population centres such as China and India, from compliance, and would cause serious harm to the U.S. economy. The Senate's vote, 95-0, shows that there is a clear consensus that the Kyoto Protocol is an unfair and ineffective means of addressing global climate change concerns."

Last statement against exclusion of developing countries from Kyoto protocol needs a reply: the U.S. is the state responsible for 25 percent of global CO<sub>2</sub> emissions, and according to WRI<sup>2</sup> emissions of U.S. power plants exceed the combined emissions from 146 countries, about 75 percent of the world's nations. It was the rich world that created today's problem by emitting greenhouse gases while industrialising over the past century; it is only fair that rich countries act first to curb emissions. The Kyoto process envisages that developing countries will take on targets at a later stage.

The economic impact of the Kyoto protocol needs also some deepening. Estimates of the costs of complying with the Kyoto protocol vary considerably, ranging from zero or even net gain to staggeringly high. The IPCC reckons that a modestly flexible treaty would reduce global GDP by between 0.1% and 1.1% in 2010. Much depends

on assumptions about technological progress, the economy's flexibility and the extent to which the treaty incorporates "flexible mechanisms" designed to improve its cost-effectiveness.

### **World reaction to Bush letter**

The letter of President Bush to the Senators triggered a storm of criticism from around the world. The European Union and Japan expressed deep dismay at the new U.S. position. The EU said the global talks on climate change would suffer a serious blow without the US commitment to the Kyoto protocol. However, the EU remained committed to ratifying the Kyoto protocol by 2002. Even Canada, a key ally of the US in environment talks, expressed its disappointment. Canadian Environment Minister David Anderson said Bush's controversial change of mind would damage the chances of major world powers reaching greenhouse gas pollution reduction targets agreed in Kyoto in 1997.

Japan strongly urged Washington to reconsider the Kyoto protocol. The upper house of Japan's parliament adopted unanimously a resolution which considers "extremely regrettable that the U.S. Bush administration has announced its abandonment of the Kyoto Protocol". The chamber "strongly urges the United States, which is the world's largest emitter of greenhouse gases, to continue to take part in negotiations on the Kyoto Protocol".

Russia, following the European Union, criticised Washington for rejecting the treaty. Its position is however more soft due to possible economic advantages that may come if the emissions trading system were implemented. Russia is among the world's biggest polluters, but its greenhouse gas emissions fell by some 30 percent in the last 10 years due to a sharp decline in industrial production after the introduction of market reforms. Therefore it could make big money from selling unused pollution quotas if

such a market were established.

One of the few favourable reactions came from Saudi Arabia, the world's largest oil exporter. Mohammad al-Sabban, senior economic adviser to the Oil Ministry and head of the Saudi delegation to the United Nations, said in an interview with the *Middle East Economic Survey* that his country understood Mr Bush's position against implementing Kyoto.

### US alternative to be presented in Bonn

Finding itself increasingly isolated on the world stage for its rejection of the Kyoto treaty, the Bush administration put forward alternative guidelines for a new international global warming agreement. Deputy Secretary of State Richard Armitage outlined on beginning April the longstanding US objections to the Kyoto accord: the exemption it offers to developing countries; the burden it puts on the US as the world's biggest offender to curb emissions; and the lack of consideration given to new technologies and market-based ways of tackling global warming. Mr Armitage said the new US proposals would be ready to be presented to the convention on climate change to be held in Bonn in July, where the COP6 (Conference Of the Parties) talks suspended at The Hague will be formally resumed.

The EU reaction was expressed by the president of the European commission, Romano Prodi, and the Swedish prime minister, Goran Persson, who argued that it would be better to amend the Kyoto agreement to make allowance for US objections than to tear it up entirely. "If certain parts of the agreement prevent the United States from ratifying it, we should negotiate about those parts rather than bury the entire agreement," the two leaders wrote in the Swedish regional daily newspaper *Goteborgs-Posten*. "In our opinion, it would be a tragic mistake to tear up the agreement and start over from scratch. We would

lose time, and that would make us all losers."

EU tried and came to another agreement during the ninth annual session of the United Nations Commission on Sustainable Development (CSD) on late April in New York. EU supported a UN compromise proposal which would allow the US trading a commitment to plant forests as carbon sinks or buy carbon credits from other nations instead of reducing its emissions to the levels demanded by Kyoto.

But negotiations faded when a State Department memo was leaked. The memo, issued on 1<sup>st</sup> April, states that Washington opposes the Kyoto pact "under any circumstances". The memo suggests the US Government to consider climate change solutions based only on market forces and improved technology.

Consequently, the EU considered the opportunity of going ahead with or without the agreement of the United States. Indeed, the treaty could be implemented without US participation if it is ratified by 55 countries which produce 55% of global greenhouse emissions.

### Comments & conclusion

Whatever the Bonn meeting may produce, the failing of the Kyoto protocol, the unilateral ratification by the EU, the negotiation for a new treaty or even the end of the Rio process, we have to consider the dismaying decisional, or better not-decisional, process which has been operating in the environmental field for the last months.

Setbacks, U-turns, about-faces and missed compromises we have seen are all aspects of the failing international environmental governance. Once more the so called "global governance", this myth national governments are telling us, shows its limits.

The terrible fact is that such demonstration of national states inability may cost us dear: if we human beings are unable to control the climate

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change process, we run a risk of a catastrophe. There is full awareness of such a risk: the process started at Rio in 1992 testifies that governments, NGOs, civil society, people are conscious of the risk and of the necessity to act.

We may cite the words of U.N. Secretary General Kofi Annan, speaking in Bangladesh on March 14th, the day after Bush penned his letter against Kyoto, as an example of this wise consciousness: "It is said that we face a choice between economic growth and conservation, when in fact growth cannot be sustained without conservation. It is said that it will be too costly to make the necessary changes, when in fact cost-effective technologies and policies are available. And it is said that developing countries should focus on development, saving the so-called luxury of environmental protection for later, when in fact the environment provides many of the precious

resources and capital that societies need today to develop and sustain themselves".

The risk is well known, the necessity to act too: what is missing? Why are we human beings unable to save ourselves? The answer is that we are entrapped in the binding limits of national sovereignty, which we are trying to soften with the international co-operation, believing in the myth of global governance, not understanding that the method is incorrect. Each problem needs a response adequate to its seriousness, and the seriousness of the environment question is so high to deserve a really strong and effective action. But to date, no government had the courage to renounce a piece of sovereignty in order to preserve the environment. No government dared to delegate real power to super-national institutions, let's guess a World Authority for the environment, capable to act for the safeguard of the whole mankind. Would we need a Leviathan?

<sup>1</sup> The full letter can be found at [www.usinfo.state.gov](http://www.usinfo.state.gov)

<sup>2</sup> World Resources Institute, [www.wri.org](http://www.wri.org)



# The United States Oppose the ICC

U.S. President Bill Clinton signed the Rome Statute at the last possible moment, on the 31<sup>st</sup> December, after several years of negotiations to gain an exemption from the ICC's jurisdiction for American service members and other government officials, and in order to meet objections from the Pentagon and the Republican Party. During the first 100 days of its mandate, President George W. Bush said, with the intention of imposing the new "distinctly American internationalism", that the Treaty will not be submitted to the Senate for ratification. According to the Rome Treaty, United States military personnel and other U. S. Government officials could be prosecuted by the ICC even if the United States has not agreed to be bound by the Treaty. In the US this is considered contrary to the principles of treaty law and, moreover, it's considered serious that Americans prosecuted by the ICC will be denied basic constitutional rights guaranteed under the Bill of Rights. In order to protect U.S. citizens from the jurisdiction of the ICC was introduced the

American Servicemembers' Protection Act of 2000, now before the Senate. This bill would prohibit the presence of U.S. military personnel in any country that has ratified the ICC Treaty, with exceptions only for NATO and major non-NATO allies. Moreover, by requiring that the UN Security Council grant immunity to U.S. personnel participating in UN-authorized military activity, the legislation could effectively prevent U.S. military engagement on issues of critical national security concern. The signature of the Treaty by Clinton allows the U.S. to participate in the meetings of the Preparatory Commission, where a measure will be discussed that would ensure that service members and civilian officials of countries that have not ratified the Treaty, such as the United States, are not brought before the Court without the consent of their governments. The American Servicemembers' Act is expression of the nationalist behaviour of the Bush Administration. It shows that the United States has lost the moral leadership of the world (*an.v.*).



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# Wealth and Freedom

Antonio Mosconi

A 1894 short American essay explains with exceptional effectiveness the relationship between freedom and monopoly. It seems written today (it is enough to replace "coal" with "oil" and to add "software").

"The coal syndicate thinks that there is too much coal. There is too much iron, too much lumber, too much flour - for this or that syndicate. The majority have never been able to buy enough of anything; but this minority have too much of everything to sell. Liberty produces wealth and wealth destroys liberty. ... This era is but a passing phase in the evolution of industrial Caesars, and these Caesars will be of a new type - corporate Caesars. Laws against these combinations have been passed by Congress and by many of the States. There have been prosecutions under them by the States and Federal governments. The laws and the lawsuits have alike been futile"<sup>1</sup>.

So, freedom would generate wealth and wealth would destroy freedom. Bringing up-to-date these two assertions can be the basis for revising the concept of monopoly. The function representing the relationship between freedom and wealth could be thought more as a spiral than as a circle, since every widening of freedom coincides with a new monopoly strategy and this one with another broadening of human thinking, of economic competition and of political democracy.

The first assertion, that freedom would produce wealth, agrees with today's rhetoric of extreme freetraders of the post-Reaganite-Thatcherite era. This seems to be confirmed by economic

statistics, if we abide by the current ideological and accounting custom:

- a) not to deduct from the increase of GNP (the golden calf) the increasing costs deriving from environmental impoverishment<sup>2</sup> and social injustice<sup>3</sup>;
- b) to consider public expenditure as a waste and not as the indispensable condition for making the private accumulation of capital bearable<sup>4</sup>.

The way this assertion can be criticized depends on the different ideas of freedom and wealth. The assertion becomes the more criticizable, the further we move from a *positive* idea of freedom as strengthener of free will (as in Erasmus of Rotterdam) in the face of revealed and petrified truth, towards a *negative* idea of freedom as no-hindrance, up to refusing every form of government and to negating the possibility of a conscious participation of man to the course of history (as in von Hayek).

Also, that assertion becomes the more criticizable, the more the arguments justifying wealth for its aims (i.e. a device created by human societies and subjected to their laws, in order to strengthen their capacity of utilizing it, not of destroying natural resources) succumb in the face of the arrogance of wealth as an aim in itself, without any purpose other than the pursuing of power, of pleasure and of ostentation by part of some individuals to the detriment of all others.

The possible combinations of the opposing ideas of freedom and wealth in any human society could be represented in the following matrix:

**I- PROGRESS**

**Positive freedom / Instrumental wealth**

Freedom capable of self-governing can allocate capital accumulation for shared human aims; in this case it can happen that wealth does not destroy freedom.

**II- REVOLUTION**

**Positive freedom / Wealth aim in itself**

The libertarian projects, deprived of the financial means needed for their realisation by an indolent wealth, could require a revolution.

**III- REACTION**

**Negative freedom / Instrumental wealth**

The goals of the capital, free from obligations towards the community, could be attained through a capitalistic reaction.

**IV- DISSOLUTION**

**Negative freedom / Wealth aim in itself**

Neither the state nor the capital express general aims. Dissolution of society in anomy (lack of purpose), anarchy and nihilism is possible.

If the second and the third case presage violent crises in society and the fourth case even its dissolution, the first one is to be considered the model towards which it is necessary to aim unceasingly, starting up again in that direction after every revolution, reaction or collapse.

In conclusion, if freedom has to create wealth, two conditions are necessary: that it be a volitive freedom (that is, capable of self-governing) and that wealth be considered as a means for the achievement of the goals considered desirable by human society, instead of as an aim in itself.

The second assertion, that wealth destroys freedom, could be submitted to the same analysis, with one additional remark. In a given human group, the wealth of a few hinders the freedom of many people, but will fuel social dynamism; then, it still admits revolution as a way out of a crisis. On the contrary, widespread wealth threatens to destroy the values of the group and to drive it to dissolution, unless it is founded on

(and restrained by) a recognition of the primacy of law (as in Habermas) over individual force and whim. In a society in which freedom is exercised in the context of law and in which capital accumulation is considered a means to reach shared human aims, wealth would perform more probably in favour of the strengthening of freedom rather than as the source of tyranny.

What about a human society that is not any more a group, in some way separated and protected from other groups, but the world society in its entirety? A society that would not allow to most of its members any positive freedom and would not concede even the negative one? A society in which mass poverty constitutes the rule and excessive wealth (tendentially monopolistic) of specific groups and individuals the scandalous exception? This is exactly the situation we have under our eyes. The financial markets (that is, the real or virtual places of organisation of wealth mobility) lay down the law to national governments (the powers of which, instead, stop at the frontiers that are still dividing humankind "as an old regret or an absurd vice"<sup>5</sup>).

They oppress subordinate classes (condemned to remain national because much less mobile compared to capital<sup>6</sup>). About this world society it can be said the same as for the local: its progress (I do not use the word development, adopted only for the quantitative growth of GNP) requires a positive freedom, that is, one able to formulate a project and to express a government capable of accomplishing it, and an instrumental wealth, that is, a capital accumulation aimed at financing the investments necessary to extend by some million years the survival of humankind (even if, by the law of thermodynamics, humankind is destined to extinction within some billion years). The awareness that in the long-term we will all be dead (as Keynes said) does not exempt us from living sensibly and delivering to posterity a world as much livable as that we received from our ancestors (according to Jonas' responsibility principle). The wealth concentration and the

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corresponding affirmation of global monopolies will checkmate national states and the exclusiveness of their sovereignty, even if they will find inspiration in the most favourable combination of positive freedom and instrumental wealth.

Moreover, the preparation of war remains *la raison d'être* of national states. The globalizing economy is entrusted to their fragmentation and to the mechanisms of intergovernmental co-operation, cornucopia of diplomacies and grave of democracy. We shall not be surprised if human kind is not able to set itself the goal, answering to common sense, of redirecting 5% of the world GNP from the military-industrial apparatus (definition by General Eisenhower) and from superfluous and injurious consumption to bio-economy and social economy. Yet, an opposite shift of resources, and of bigger proportions, was planned and done for rearmament, for the Second World War and for the ensuing reconstruction. So, technical incapacity cannot be

invoked, rather there is to denounce the political inability deriving from the contradiction between the global dimension of problems and the national organisation of states. The "new Caesars" of world trusts can easily mock laws and judicial actions by national states, even by the United States of America.

The ultra-freetraders believe that globalisation does not leave margins to mediation and they are prepared to softly defuse democracy; their opponents would like to restore the national state, the only one so far which tried to organise and regulate a counter-balance to the market<sup>7</sup>. In the economy in course of globalisation, the decisive condition for wealth not to choke freedom and for freedom to create wealth resides instead in an act of will directed at providing the world with a level of political government corresponding to the one already attained by capitalistic concentration.

<sup>1</sup> Henry Demarest Lloyd, *Wealth against Commonwealth*, 1894

<sup>2</sup> There is no way of reporting the boundless literature on the matter without running into the curse of Paris' judgement. But it is impossible to omit a reference to Georgescu-Roegen, founder of bioeconomy, as to the theoretical aspects and to the reports of the Worldwatch Institute for its continuing monitoring of the situation.

- Nicholas Georgescu-Roegen, *The Entropy Law and the Economic Problem* (1972), *The Steady State and Ecological Salvation: A Thermodynamic Analysis* (1977), *Energy Analysis and Economic Valuation* (1979).
- Worldwatch Institute (Lester R. Brown and others), *State of the World '00*, Washington, 2000.

<sup>3</sup> U.N. (Undp) annual reports on human development constitute the least disputed source. They denounce the growth of inequality between countries, but also inequality inside rich countries (the United States appears to be the country hit the most). On the theoretical level, a due reference is

- Amartya Sen, *Choice, Welfare and Measurement*, Oxford, 1992

<sup>4</sup> From a federalist perspective, see also:

- Dieter Biehl, *The Contribution of Infrastructure to Regional Development*, Luxembourg, 1986; and *Financing the EEC budget*, in *Public Finance with several Levels of Government*, The Hague/Koenigstein, 1991.
- Lester Thurow, *The future of Capitalism*, New York, Basic Books, 1996

<sup>5</sup> Cesare Pavese, *Verrà la morte e avrà i tuoi occhi*, in *Poesie del disamore*, Torino, 1943.

<sup>6</sup> An analysis about how the asymmetry between capital mobility and labour inertia could generate a revolt against freedom of trade and globalization (as later happened in Seattle) is contained in a research of the Institute for International Economics:

- Dani Rodrik, *Has Globalization gone too far?*, Washington DC, 1997.

<sup>7</sup> Guillebaud researches passionately in the roots of Greek, Judaic and Christian thinking, the heritage on which to refound a common capacity of resistance against the extinction of democracy, of politics and of the universalistic thinking systems, in :

- Jean-Claude Guillebaud, *La refondation du monde*, Paris, 1999.

# Croatia Becomes Thirthy-Second State to Ratify Treaty Establishing the ICC

On May 21, 2001, Croatia became the first Eastern European state and the thirty-second country to complete the process of ratification of the treaty establishing a permanent International Criminal Court. The Court will bring to justice individuals who commit genocide, war crimes and crimes against humanity, and it will be formally established following the 60th ratification.

William Pace, Convenor of the Coalition for an International Criminal Court, applauded Croatia for its determined efforts to become one of the first 60 states party to the treaty. "Croatia's ratification is important because it represents the first government from Eastern Europe, and the first nation from Former Yugoslavia, to complete ratification of the Rome Statute. It is a further confirmation that nations from every region and legal system will be among those establishing the

ICC next year".

Irupe Aguirrezabal, the European Coordinator for the Coalition, stated: "Croatia's ratification shows an ever increasing European consensus for the prompt establishment of the ICC. The fact that a former Yugoslav republic has ratified this Statute shows that countries which have experienced violence recognize the role of international justice to strengthen peace and bring about reconciliation".

The Coalition for an International Criminal Court was formed in 1995 to advocate the creation of a fair, effective and independent International Criminal Court. It brings together a broad-based network of over 1,000 non-governmental organizations and international law experts from every region to foster awareness of and support for the Court (*g.b.*).



# For a Federal European Constitution

## The institutional reforms necessary for the foundation of the European Federation\*

*The Union at the crossroads* - With the creation of the European currency and the new responsibilities in foreign policy resting heavily on Europe's shoulders after the end of the Cold War, the Union has become, together with the United States, a key interlocutor in world politics. But the European power has fragile foundations. The Union does not have a democratic government. The new challenges, most importantly the enlargement to the East, threaten to sweep it away. The Treaty of Nice, which should have solved these problems, has on the contrary made them worse. If decisions are still to be taken by unanimity, with procedures that favour the constitution of "blocking minorities", it can be forecast with certainty that the Union's institutions will be paralysed in a Union that will increase from 15 to 27 or more countries. The time has come for Europeans to decide whether to proceed in the Union or to regress into division.

*The nature of the decision* - The decision to found the European Federation is a difficult one not only because the Union's countries must be willing to make the decisive step of creating a European federal government, but also because some of them do not want to accept the federal perspective.

In order to proceed, it is necessary that a group of countries - a "center of gravity" (Fischer) or a "pioneer group" (Chirac)- take the decision to found the European Federation. Forming a vanguard of countries in favour of the Federation does not imply at all any prejudice of excluding the others. The adventure of the Community started because the Six of the "little Europe" followed the path indicated by Schuman. Only after a few decades was its enlargement to nine countries possible. The same happened with the European currency at Maastricht. Today it is necessary to create a federal core inside a larger confederation, even in the interest of the countries willing to stay outside of the pioneer group. The initiative of the pioneer group, however, can succeed only if it is strongly supported by public opinion, that is to say by the European people. So far, Union's reforms have been made by the inter-governmental method, which entrusts to diplomats the task of reforming the institutions. The only democratic method for approving a European Constitution is that of assigning its drafting to a Constituent Assembly, composed of representatives of the European citizens.

*The starting-point* - The debate about the European Constitution does not start from

\* We publish this working paper drawn up within the European Federalist Movement, Italian Section of the UEF and WFM, as a contribution to the debate on the European Federal Constitution

scratch. Firstly, it has to be considered that the European institutions were conceived by the founding fathers as “*les premières assises de la Fédération Européenne*”. That is why the Union’s institutional architecture already includes some federal reference points. They are: the European Parliament, representative body of the European people; the Court of Justice, supreme defender of Community right and of its supremacy over national legislation; the European currency and the European Central Bank, institutions for governing the European economy; lastly, the European citizenship, the first expression of a supra-national political identity. However, the European Union is not yet a Federation, because of the powers reserved by the Treaties to the Council of Ministers, and the ambiguous European competences over taxation and defence. It is about these matters that useful indications may be derived from the reform projects worked out by the European Parliament: the Spinelli Project in 1984 and the Herman Project in 1994.

*The Union’s democratic legitimacy* - The debate about the European Constitution has become complicated because of the overlapping of two questions: the first concerns the democratic government of the Union; the second its competences, like taxation and security, which are dealt with today using an intergovernmental method. The reforms that will be proposed below center on the institution of a democratic government for the Union, as we are convinced that the demarcation line between federation and confederation lies with the solution of the problem of the democratic legitimacy of European institutions.

The intergovernmental method represents a form of government of the Union that ultimately excludes the European citizens from the decision-making process. The national governments, convened in the Council, are the ones that make the crucial decisions for Europe’s future. However the general European

will cannot come out of a summation of particular wills. Just as a Council of Presidents of Regions cannot express the will of a national people, a Council of Ministers cannot express the will of the European people.

It is necessary to base the decision-making process on the will of the European people, within a federal structure. If this step is taken by approving a federal Constitution, the problems of further transferring competences to the European level can be solved in the future with procedures written down in the Constitution itself.

*Gradualism inside and outside the Constitution* - It is necessary to appreciate the difference between gradualism inside and outside the Constitution. The real obstacle for the setting up of a democratic and effectual Union is not gradualism; it is the pretension that democracy can be expressed only at national level. On the contrary, only after having endowed itself with a democratic government, supported by the people’s will, will the Union be able to start coping with the challenges of enlargement and foreign policy, involving the citizens all over Europe in a debate over its government’s most adequate goals and means. It will be the problems of internal and foreign policy the European government will have to cope with that will set the pace and the contents of further reforms. It has to be recalled that the American federal Constitution did not explicitly provide for the creation of a central bank and a common currency, and that, as regards the army, the federal budget was initially so meager that actually an army of a confederal nature was in operation for a few decades.

*Without a Constitution, the Charter of Rights is meaningless* - The European governments have climaxed the constitutional debate’s confusion by assigning to an assembly, later defined Convention, the task of drafting a Charter of Fundamental Rights of the Union, with no

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indication of its relation with the European Constitution. The Charter of Rights without the European Constitution proved itself to be a mere academic exercise and an injustice to the European citizens. In fact, the Convention has most of the time just listed a series of rights already existing in the national constitutions.

The result of such a procedure is frustrating. The Convention did not take into consideration at all the specific and fundamental value of the European Union: peace. It is sufficient to recall in this respect the Schuman Declaration, truly the Community's founding pact, which opens with the statement: "World peace cannot be ensured without creative efforts, proportionate to the dangers threatening it". The European Coal and Steel Community, then, has been Europe's answer to a world problem. The initial institutional step, only apparently modest, has brought with it an overturn in European politics: "the elimination of the century-old conflict between France and Germany". That is why Schuman could state that "by pooling together our base productions and instituting a new High Authority, whose decisions will be binding for France and Germany and the countries accepting it, [the Community] will represent the first real nucleus of a European Federation, essential for maintaining peace".

*Europe and peace* - The problem of peace was not just a concern during Europe's past. The challenge of enlargement, which will see peoples recently torn by wars and genocides joining the Union, requires a clear indication of the Union's goals and of the means necessary to ensure peace among its Member States. Moreover, Europe can ensure that the "European model" is considered world-wide as a means to resolve international controversies both at the regional and the world level.

The future European constituents then will have to amend the shortcomings of the Convention by writing: a) a Preamble to the European Constitution which acknowledges

the revolutionary novelty of the development of the European Union, the Foundation Act of which explicitly indicates the European Federation as the only road for overcoming the "bloody divisions" of the past among European nations; b) the denotation in the Charter of Rights of peace as the European Union's fundamental value. Europe's vocation for peace must translate itself into the impossibility for its member countries to declare war on each other and in its programmatic commitment, as regards the Union's foreign policy, to support the democratization and strengthening of the UN, as its contribution is essential for building peace in the world.

*The cause of the European democratic deficit* - The Council of Ministers and the European Council, where the national governments are represented, are monopolising the Union's highest executive and legislative powers. It is in this decision-making structure and in the power granted to those bodies that the problem of the Union's democratic deficit is rooted. Stretching this situation to its limit, if all the legislative powers were a prerogative of the Council of Ministers, the European Parliament would become a mere consultative body, depriving the European citizens' vote of any meaning. If the Council of Ministers assumed for itself every executive power, the Commission would become a mere secretariat, and its relationship of confidence with the European Parliament would become superfluous. The crucial reform then is to transform the Council of Ministers into a Chamber of the States, which makes decisions by a majority vote and shares legislative power with the European Parliament. At that point, the European Commission would become the real political government of the Union, accountable to the European Parliament. Lastly, the European Council should be transformed into the Joint Presidency of the Union.

It is understood that, once the veto power is

abolished in the ordinary decision-making process, also the procedures for ratifying and revising the European Constitution shall not be based on unanimous decisions.

*The People of the Federal Europe* - The difficulty of such a reform, the importance of which is evident to everybody, depends on the Union being explicitly acknowledged as an institution legitimated by the people's will, the people of the European nations, which expresses itself as one people in the European Parliament and as a grouping of national peoples in the Chamber of the States. This is the reform that transforms the Union into a true Federation, that is a State of States, and the summation of national peoples into one federal people.

*The European government* - Once ascertained that the origin of the Union's democratic deficit lies with the Council of Ministers and that its transformation into a Chamber of the States is the crucial step towards constructing the European Federation, the question of what form the executive should take, whether it should be presidential or parliamentarian, is of lesser importance. Some argue, with good reason, that a Commission President elected by universal suffrage could allow the people's unitary will at the European level to emerge with greater clarity. Others argue, with equally good reason, that what counts is the executive's democratic accountability and hence a Commission accountable to the European Parliament meets the essential conditions of a representative democracy.

The question will be resolved by the European constituents. Here it is worth observing that the solution of the parliamentarian type - already adopted by the present Treaties and explicitly foreseen by the Spinelli and Herman projects - seems more adequate for a Union composed of many nations with different languages and traditions. The direct election of the Commission President would inevitably end up

favouring the candidates expressed by the most populated countries, with the risk of embittering, rather than reducing, the divergence among national opinions.

It is also of note that the same advantages of a direct election of the Chief Executive could be obtained if in an electoral campaign the European political parties designate their candidates to the post of Commission President. In this way the European citizens themselves would indicate, together with the coalition or the majority party, also the Chief Executive.

*Compatibility between federation and confederation* - If the group of pioneer countries adopts a federal Constitution, the problem of the relations between the Federation and the other countries of the European Union not willing to be immediately part of the Federation will have to be tackled. In principle, the solution is simple. The other countries of the Union will keep their rights in their entirety as members of the Union. The Federation will become part of the Union as a single member country. Of course, when the countries of the Union will be convinced that the moment has come to join the Federation, they could do so with the sole condition of ratifying the federal Constitution.

However, the principle solution above raises the problem of the duplication of present institutions. There will be a Parliament of the Federation and a Parliament of the Union, a Government of the Federation and a Commission of the Union, etc. Furthermore, the member countries of the Federation may well not coincide with those associated in the monetary Union, etc. These are practical problems, which need to be discussed and resolved already in the constituent debate.

*The initiative* - France and Germany took the initiative back in 1950 of starting the process of European unification, indicating also its final

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arrival point: the European Federation. France and Germany, mindful of their historic role, have recently reopened the constituent debate. But the Franco-German initiative can fail if the other countries of the Union do not support the project in a sufficient number to give birth to the federal core.

It has to be noted that, in theory, the European Parliament, the sole legitimate representative of the European citizens, could claim for itself a constituent role. With Altiero Spinelli, in 1984, the European Parliament found the courage and the will to work out a project of Treaty-Constitution, later rejected by the governments. From then on, however, the European Parliament has passively waited, except for some timid and commendable episodes to the contrary, for the initiative of setting up the European Federation to be taken by the

governments.

*The constituent procedure* - France and Germany should invite as soon as possible the countries of the Union willing to do so - the pioneer group - to entrust a constituent mandate to a special Assembly, democratically legitimated. It is necessary to extend the principle of legislative co-decision, already tested in the Union between Parliament and Council, to the constituent field. The Constituent Assembly could be formed according to the model of the European Convention, which has prepared the Charter of Rights. It should include representatives from the governments, the national Parliaments, the European Commission and the European Parliament of the countries of the pioneer group.

### Fundamental Principles of the European Federal Constitution

- The European Federation ensures permanent peace among its members; they constitute a pluri-national community based on solidarity among nations. Federal institutions promote the achievement of these goals by extending democracy, the rule of law and the welfare state beyond the States' national borders.

- The document defining the institutions and the fundamental rules of the European Federation is a Treaty-Constitution. It is firstly a pact among national States (not among regions), whose aim is to ensure a permanent union among the contracting parties. The federal pact is therefore irrevocable. Secondly, as a Constitution, it is a pact among citizens who decide to constitute themselves into one European federal people and to endow themselves with common institutions. The Constitution includes a Charter of Rights and defines the institutions of the European

Federation and the division of competences between federal Government and national States. The federal Government and the Governments of the States are, each in his own sphere, independent and coordinated with each other. All of them are subject to the Constitution, which is the supreme law of the Federation.

- The national States (as well as the local and regional communities) have the right to self-government within the limits of the established laws and the competences given to them by the Constitution, and as far as they do not violate the fundamental rights spelled out in the Charter of Rights.

- The European citizenship is a federal citizenship: every individual is at the same time a European citizen and a citizen of his own national State. The citizens of the European

Federation are citizens of the national States. Citizenship is granted according to the criterion of residence.

- A Charter of Rights is included in the Constitution in order to guarantee fundamental rights. Peace is the value upon which the identity of the European citizen is founded. The assertion in the Constitution of ever-lasting peace among the European States is the starting-point for extending this principle to the world level. The European Federation will pursue this goal, declaring in a programmatic provision to consent to transfers of sovereignty as necessary for the strengthening and democratisation of the UN.

- The division of competences between federal and federated authorities is decided according to the subsidiarity principle, which states that decisions must be made at the most appropriate government level closest to the citizens; higher levels have the right to intervene only when lower levels are not able to operate satisfactorily. Competences over currency, customs and security are assigned in an exclusive way to the federal government. With the exception of the exclusive competences assigned to the national States, all other competences are concurrent. The Constitution defines the timing and the procedures for transforming the competence over security from concurrent to exclusive.

- The legislative power is bestowed upon the European Parliament and the Chamber of States. Laws must be approved by simple majority by both Chambers. The European Parliament is composed of representatives elected every five years by direct universal suffrage in proportion to population. The Chamber of States is composed of members from States governments or legislatures. In the Chamber of States, States are represented on the basis of a weighted vote (a variant of it may be considered: the double majority of States

and population).

- The European Council of the Heads of State and Government exercises the role of the Joint Presidency of the Federation. It has the power to designate the Head of Government and to dismiss the Parliament.

- Executive power is exerted by the European Federal Government. The Head of Federal Government is designated by the European Council. He designates the Ministers. The Government drafts the programme for the term of office and receives the vote of confidence by the European Parliament (which can revoke it) by a simple majority vote. The number of Government members is equal to the number of Ministries and not to the number of Member States.

To the European Council can be assigned the power to define the guidelines of foreign and security policy, provided that the decisions are taken by majority vote, being the remaining executive powers exerted by the European Government.

- The Court of Justice exercises the role of Court of Cassation and Constitutional Court. In the fulfilment of the second function, it has the power to interpret the Constitution, that is to adjudicate on conflicts of competence among the constitutional bodies of the Federation, and to annul laws passed both by the federal authorities and by the federated communities, which have been judged non-compliant with the Constitution. Individuals are entitled to resort directly to the Court.

- The fiscal system is based on the independent power to levy taxes by part of the various levels of government which constitute the Federation's institutional hierarchy. The amount of resources to be obtained from tax revenue is deliberated by the two Chambers. The amount of resources (the means) is defined together with the general lines of Government policy

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(the ends) to be pursued in the legislature term, according to a list of priorities and an articulated framework, and complying with the federal scheme of division of competences. The fiscal system provides an equalization mechanism to carry out the solidarity principle between States and regions enjoying a higher income and less developed areas.

- The decisions by which the Constitution is modified cannot be taken unilaterally neither by the federal government nor by the Member States. Amendments to the Constitution are subject to a special procedure (for instance, a vote by a qualified majority in both Chambers), different from that followed for ordinary

legislation.

- Ratification by six Member States of the European Union is sufficient for the Constitution to come into force in the States which have ratified it. The other Member States and other States which are not members of the European Union are entitled to join the Federation later, by ratifying its Constitution.

- The dissolution of the European Union will be declared when all its Member States have joined the European Federation. Before this goal is reached, the European Union will coexist with the European Federation. An ad-hoc Treaty will regulate the relations between them.

### Note to the Principles

The analysis of the institutions of the Federal States that have been formed so far allows us to appreciate the importance of the institutional changes necessary for finalising the construction of European unity. What makes European unification an undertaking without precedent in history is its attempt to set up a Federation of national States. It is to be remarked that all the Federations formed so far have been unions of cantons, provinces or regions. Never has a federal order been created which includes national States, a system of States proud of their independence, which for centuries have dictated the guiding lines of world politics and represent the most accomplished expression of the idea of a sovereign State itself. For these reasons, the States want to keep a higher degree of independence inside the European federal institutions that are being set up, than in the individual elements of any other federation that has been created in the past.

In order to fully understand the innovative

significance of the European Constitution, it must be considered in the perspective of the historical crisis of the Nation State, which makes it necessary that the relations among economy, right and politics be redefined in the context of developments that have become world-wide. The institutional answer to the crisis of the Nation State is not to be found in the models of classical federalism; rather, it diverges from and transcends them in the direction of a new form of Federal State. It differs from the old forms of federalism in two important ways:

- it grants the Federation's Member States a higher degree of independence than ever before.

- it is the first ever answer in institutional terms to the need to control globalisation and to start the process of establishing peace among Nation States, which will conclude with the World Federation.

*Inadequacy of the American model* - When we talk of a federal Constitution, immediately the

American model comes to mind. Certainly the United States of America represents the oldest, the most successful and to this day the most significant experiment of a federal union. However the United States Constitution presents some features that appear unsuitable for the requirements of Europe's federal organization. Let us examine the main ones.

a. The presidential system, which is more the exception than the rule in Federal States, is characterized by a clear separation of Government and Parliament, both directly elected by the people, but separately. The US constitutional experience has shown that its legislative and executive branches often pursue different and diverging political aims, with the risk of creating situations of stalemate or even institutional paralysis. Moreover, the President's nationality could be a source of conflict and divisions, rooted in national sentiments, that could possibly bring very negative consequences.

b. The US Senate, elected by universal suffrage after the constitutional amendment of 1913, is expression of the will of the people of the entire Federation. Consequently, it has become a useless duplication of the House of Representatives. This institutional reform, which has weakened the States' representation at the federal level, is a demonstration of the tendency to concentrate power. Moreover, the States' equal representation in the Senate has the shortcoming of over-representing the States with an otherwise insignificant political weight.

c. In the US Constitution, the prevailing criterion for assigning competences has been that of exclusive competences. The federal government is assigned the competences of defence, foreign policy, currency and customs, and the States are assigned almost all of the remaining ones. The competence of taxation is the most significant case of divided competences, yet without any coordination between the two levels of government being

provided for. This rigid division of competences shows the influence of the historical conditions of a time when the federal government and the regional governments were operating in two separate spheres with no mutual interference.

d. In the US, foreign policy is an exclusive competence of federal government. States keep a modest influence on foreign policy through the treaties ratification power bestowed upon the Senate.

e. The US administration is organized in such a way that two parallel bureaucratic apparatuses are set up, respectively under the federal government and the individual States' governments. This duplication brings with it an unnecessary waste of resources. In addition, the history of the United States is characterized by an ever-increasing concentration of powers and financial resources into the hands of the federal government and of functions into the US capital.

f. As to the organization of local communities and the bodies in between the local communities and the States, their institutional setup in the existing Federations does not appreciably differ from that found in national States. This is a consequence of the fact that federal Constitutions have so far confined themselves to defining only two independent and coordinated government levels: the federal and the state levels. As the smaller territorial communities have their autonomy and powers delegated from and subject to the regional governments, the existing Federations do experience a form of centralization at the regional level.

g. The first examples of federal government appeared in the same period in history in which nation-states were the prevailing form of political organization. International conflicts marked the institutional development of federations and pushed them to retire into their shell. Therefore, they accepted the division of the world among sovereign states as an ineluctable fact. Owing to

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the fact that they placed themselves on the vanguard of the division of humankind and did not have any means to fight against it, they yielded to it and degenerated into a form of political unity not substantially different from that of the decentralized unitary states.

*A new form of Federation* - These features of the old forms of federalism underline the need for institutional innovations, which in part are already apparent in the structure of the European Union.

a. The parliamentary system, already contemplated in the European treaties, has the advantage, compared to the presidential one, of ensuring uniformity in the political aims of the Parliament and the Government. It gives, according to the model of the British cabinet system, only to the Chamber directly elected by the people (the European Parliament) the power to give and revoke its confidence to the Government. Granted that this is a procedure already present in other Federations (Canada, Australia, India, Germany, Belgium), what is new is assigning the Presidency of the Federation to a collegiate body, the European Council, which has the power of designating the Head of Government and of dismissing Parliament. Its collegiate nature provides a warrant of representation to all nationalities in the Federation, and provides the national governments with the power of exercising at the federal level important constitutional prerogatives. All this contributes to shelter the federal institutions from the risks of centralization.

b. Awarding the Chamber of States the co-decision power with the European Parliament allows the States to participate in the drafting of federal legislation. It is worth stressing that the States' independence is more pointedly assured by representatives who are members of government or legislative assemblies of the States rather than by representatives directly elected by the people. The weighted representation in the

Chamber of States is more suitable than the equal for mitigating disparities in those Federations, like the European, where large differences in size exist among their Member States.

c. Growing interdependence among federated societies and among the two government levels which the Federal States' power is divided into has brought about forms of co-operative federalism. It made everybody aware that it is not possible for two separate government levels to co-exist on the same territory without somehow co-operating with each other. Consequently, the tendency has arisen to overcome the system of exclusive competences and to develop shared competences, even including in them foreign policy, as in Switzerland and Germany.

d. Foreign policy represents the privileged ground on which member states independence can express itself within a Federation. Foreign policy can be conceived as a concurrent competence according to the model of Belgian, German and Swiss Constitutions, which bestow the power to stipulate international agreements upon federated communities. Moreover, in the bosom of the European Federation, can be suggested the adoption of the French system of a two-headed executive, which assigns to the Presidency (the European Council) the power to define the guidelines of foreign and security policy and to the European Government the remaining executive powers, provided that the decisions within the European Council are taken by majority vote.

e. The concern of preventing over-expansion of bureaucracy, caused by the presence of two administrative systems, suggests the adoption of a single articulated administrative system. The way tax revenues are distributed must be decided by both Chambers if the federated communities are to participate in deciding how much has to be allocated to the federal government. Their

amount will be in any case incomparably smaller than what the existing Federal States are given, as they have undergone a centralistic degeneration. This will be a consequence of the principle by which only those competences are granted to federal institutions that relate to problems the national governments cannot manage.

f. The European Federation will be articulated into several government levels. Already the European Union has started off in this direction, as it recognises three government levels: European, national and regional. This is an answer to the crisis of the Nation State, which makes it necessary to transfer powers and competences to Europe and to the smaller territorial communities within the national States. To prevent centralization at the regional level, local communities and intermediate bodies must be recognized as independent government levels inside the Federation.

g. The European Federation presents itself as a form of political organization which allows, for the first time in history, the peaceful co-existence of consolidated nations and the start, in reaction to the globalization process, of the unification of the world and the federal reform of the United Nations. In order to promote the unification of the world and the federal reform of the UN, the European Constitution will assert the willingness of the European Federation to renounce its sovereignty in favour of the UN and to place its armed forces at the disposal of a world police corps.

*Conclusion* - In conclusion, these features of the new federal institutions may allow the combination of the Member States' independence, which they may keep to an unprecedented degree, with a groundbreaking opening-up towards the external world, meaning that the European Federation will be capable of playing the role of engine of the unification of the world.



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# What is at Stake for France in a Federal Constitution for Europe

*Martine Méheut*

France is a nation-state with a very strong Jacobin tradition. Which means that the State has a sovereign power because it represents the people. Democracy is conceived in a non-participative way since the government speaks on behalf of the people; therefore it claims a total legitimacy. It is the reason why the French government can't consider Europe but on an intergovernmental mode of functioning. To get convinced of it, it is enough to refer to the words of our Minister of Foreign Affairs, Hubert Védrine, at Berlin, on May 9, 2001. He rejected the recent proposition of Chancellor Gerhard Schröder, to transform the European Commission into a European Government and to make of the Council of the Ministers of the Union a second assembly of the European Parliament: "In my country we don't consider that governments are not democratic. When you speak of strengthening democracy you speak only of the Parliament. But the decisions which have been made in Europe for fifty years have been made by democratic governments". It is clear that in a statement of this kind the core of democracy is the national government.

## **So, why should we need a European Federal Constitution?**

However it may be, French political leaders are aware that there are serious risks in rejecting outright any kind of European Constitution. Today two kinds of pressures are strongly in favour of a constitution:

1) Public opinion, which as all polls show wants a more integrated Europe and has been seriously disappointed by the results of the Nice Summit

which has clearly demonstrated a weakening of the community spirit. This explains the haste with which the Elysée and Matignon have published a joint *communiqué* to announce the organization of a national debate on the European Union in conformity with the text of the annex of the Treaty of Nice, a debate which would associate most of the French public, under the shape of regional forums under the supervision of regional prefects (*Préfets*).

2) The determined position of Germany in favour of a federal Europe, implying the practice of subsidiarity down to the level of the European citizen, requires a European Constitution to guarantee a democratic functioning of Europe and to give it a body of elected leaders. Since the proposal made by Gerhard Schröder in the motion of the SPD of April 30 for a genuinely federal Europe is defined in a text which clearly states who does what in Europe, the French political authorities cannot any longer put forward a disagreement between the Chancellor and his Minister of Foreign Affairs Joschka Fischer: they must give them an answer. We have already heard the answers of Messieurs Hubert Védrines and Pierre Moscovici (Minister for European Affairs), who definitely rejected the proposition of Germany. A reply by Mr. Jospin, Prime Minister, was still expected at the beginning of June when I wrote this article.

It is known, besides, that several French political parties have opted for a Federal Constitution of Europe, notably the (middle way) UDF party and the Greens (*Les Verts*). There are, as well, in France, other proposals to support the idea of a European

Constitution, but their outlook is more intergovernmental than federal. Finally we hear more and more the expression “federation of nation-states”, which, obviously, is a contradiction in terms, but which allows those who use it, like our Chief of State, Jacques Chirac, to spare the one and the others in a very diplomatic way.

Obviously it is not in this fashion that Europe will take the great leap forward which it should take before the Berlin Summit and the next enlargements. It would be proper, then, if France stopped propagating the notion that federalism can only be appropriate for German citizens (it *is* already appropriate for Belgian and Austrian citizens). European citizens in general, look for a democratic, efficient and comprehensible Europe in which they will be able to exert their rights and responsibilities at a European, national and regional level. They are entitled to a federal Europe, that is to say, united in a spirit of community, respectful of the diversity of the peoples which constitute this civilization made of many cultures and political hues. Today it is urgent for France to accept the principle of reality which would imply that, in front of the vital stakes entailed by the enlargement calendar and the effects of globalization, Europe should be freed of the veto right of the various states, to be able to become a political community embodied by an elected government and a Parliament composed of two chambers: one for the States, the other for the peoples.

If its citizens do not feel involved, Europe is at a standstill. It needs, before the 2004 deadline, a federal constitution, democratically established,

including the Charter of the fundamental rights of the European Union, to reaffirm the values on which this constitution and its finalities are based, and defining in its main lines, on one hand the sharing of competences between the federal government and the two assemblies, and on the other hand the co-responsibility of these two authorities and of the regions for questions which may require it. To this end it is necessary that the political class declares itself in favour of a European Community, for as long as governments keep an inter-governmental perspective Europe will remain very remote, abstract and without its own personality. And that is why it is important that in the two chambers of the French Parliament inter-groups be organized to support the European constitution and back the appeal launched by the inter-group of 180 members of the European Parliament. Indeed, it is a federal constitution that will pave the way to a feeling of political belonging, to a desire to live together, to the possibility of projects matured in mutual understanding and mutual enrichment. There will not be any political Europe as long as its peoples will not have the hope to live as members of *one* family. Why otherwise could they find a meaning in welcoming back their brothers so long separated from this same Europe?

Europe would drift like a rudderless vessel if it did not manage, if it failed to achieve what will give it a meaning: its political dimension. And the politicians would be the main cause of the wreck of this great project for the XXI century. Germany has understood it. Will France understand it, too, at long last?

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# German President Rau Advocates a European Federation

On Wednesday 4 April, the German federal President Johannes Rau made a passionate speech before the European Parliament - "Plea for a European Constitution" - advocating a European Federation and giving detailed hints on the institutional changes required to give more legitimacy. Here are the key parts of the speech:

"How can we organize the European Union in such a way that citizens can find their way around it better? What must we do to ensure that decisions made by the European Union have a broader legitimacy at European level? How, finally, should the organizational framework look? I am firmly convinced that the answer can only be: we need a European Constitution. The European Constitution is not the "final touch" of the European structure, it must become its foundation. The European Constitution should prescribe that Europe will not become a centralized superstate but, rather, that we are building a Federation of nation-states. (...)

According to one argument against a Constitution which is frequently put forward, every additional step in the integration process is a further step towards a European "superstate" and towards the abolition of nation-states. But those, like me, who support a Federation of nation-states, want quite the opposite! If we transform the EU into a Federation of nation-states, then we will enhance the democratic legitimacy for joint action while, at the same time, safeguarding the competences of the nation-states which they want to and indeed should maintain.(...)

[A European Constitution] should comprise three

parts: The first part should be based on the Charter of Fundamental Rights proclaimed at the European summit in Nice. It is to have a binding power on the actions of European institutions and the member states where they implement European law. The catalogues of fundamental rights of the member states and the European Convention on Human Rights are not affected by this. The second part of a European Constitution must divide competences between the member states on the one hand and the European Union on the other with the necessary clarity. It would thus largely determine the relationship between the member states and the Federation. We should endeavour to anchor the principle of subsidiarity on a broader basis: only those matters should be decided at European level which the member states cannot better deal with themselves. That must be our guiding principle! (...) a third part of the Constitution should lay down Europe's future institutional framework.(...)

I believe that the Parliament and the Council of Ministers should be developed into a genuine bicameral parliament. The Council of Ministers should become a chamber of states in which each state, represented by its government, would cast its vote. This chamber would preserve the nation-states' sovereignty. You, the Members of the European Parliament, should become a citizen's chamber. The two chambers should make decisions on an equal basis in all spheres in which legislation is made.(...)

We should therefore debate Europe's future in a broad forum in which, in addition to government representatives, the members of national

parliaments and, of course, of the European Parliament, must play an important role. This forum should prepare the necessary decisions as far as possible (...) We should take a lot of care and make every effort to ensure that the debate on Europe's future is not only conducted in expert

circles. We must include all interested citizens. I agree with my Italian colleague, President Azeglio Ciampi, and many others, that we must also include the citizens of the candidate states. The future European Constitution will also be their Constitution" (*ff*).



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# Fundamental Rights in the Information Society

*Hugo Lueders*

The EU "Charter of Fundamental Rights" as solemnly adopted by the EU summit in Nice, 7-9 December 2000, is understood - according to the Belgian Prime Minister Guy Verhofstadt, speaking about Europe on 21 September 2000 - as "the first step towards a *European constitution*". The Charter leaves the debate on the European cultural diversity in the digital age essentially untouched. This does not diminish the historic contribution of the Convention, but at the same time shows clearly the limits of the approach taken hitherto. What are largest obvious deficiencies of the Charter? In the first instance, it is not the fact that it is not legally binding - have no fear, that will come. There are other, at least two, substantial shortcomings, and they are directly linked to each other.

The first is the absence of rights of political participation and direct decision-making for citizens in the age of digital communication; the second major deficiency in the Charter is no consideration of cultural fundamental rights as an expression of modern individualism and personal cultural identity. These main structural shortcomings of the Charter both arise from the failure to come to grips with the challenges of the global information society.

Largely unnoticed by the wider public, despite and even because of the unbridled enthusiasm for the advantages of the meteoric growth of internet, a global constitutional framing of the information society has developed in parallel to the more traditional constitutional demands and the European "Charter of Fundamental Rights". Guiding principles of how to appropriately manage this cyber reality are described by the

"Charter on global information society", as adopted by the Heads of State and Government at the Okinawa G8 summit from 21 to 23 July 2000<sup>1</sup>. Awareness of this "cyber-constitution" is only just awakening, eclipsed by debates on globalisation, a new economy and the world-wide role of civil society. The digital economy and the global information society are leading to far-reaching changes in all areas of life. With daily reports about the complete transparency of internet, the perceived demise of privacy, tracking down through "cookies" and "click trails", "cyber-crime", "spamming" and "big-brother real-life soaps", internet surveillance, media power and control through to global espionage systems such as "Echelon"<sup>2</sup>, and not forgetting "cyborg linguistics", the impression is being created that traditional constitutional orders are inadequate.

## **The European cultural charter**

The European identity has always been the simultaneous presence of a wide range of cultural identities. The idea of Europe is characterised by a community of values based on this diversity, beyond the geopolitical territorial myth. But in the end, does not identity always mean individual identities, not only in Europe?

Due to these multi-cultural identities across Europe, and often even throughout the same localities, the question of European cultural governance, and of governance in general, cannot simply be a question about different *levels of government*. Why do alternative forms of subsidiarity and federalism, complementary to the traditional vertical approach not receive the

attention they deserve? How can this be changed and how can functional federalism enter mainstream thinking? That is the real challenge. Just as democracy is the heart of any political constitution, freedom of cultural life is the heart of cultural governance as understood in European terms. This freedom cannot be ensured merely through solemn declaration of cultural fundamental rights. A European "Charter of Fundamental Rights" should contain decisive elements for a constitution that gives organic life to this theme.

Thus, the Charter is not the conclusion of this constitutional process, superimposed on existing treaties, as many would wish it to be, but its necessary beginning. The constitution in its overall composition, as "social sculpture", following on from the basic conception of the Charter, must allow, promote and, as and when necessary, guarantee cultural freedom.

From the confusing collection comprising this and other available draft charters and constitutions<sup>3</sup>, two draft charters should be presented briefly. Both manage to achieve what has already been described as necessary for a widening of the present constitutional debate: (a) the Stuttgart draft charter by the initiative "Netzwerk 3 Gliederung", and (b) the Achberg integrated draft charter by the "Initiativ-Gesellschaft EuroVision".

a) In March 2000, the initiative "Netzwerk 3Gliederung" produced its own draft European charter of fundamental rights, oriented consistently on human rights, democracy and subsidiarity, and submitted proposals in connection with the hearing of civil society in Brussels on 27 April 2000<sup>4</sup>. In the proposals made, the initiative concentrates on an extension of the principle of subsidiarity beyond the traditional vertical understanding (which level of the state is empowered to take decisions?). Instead, it incorporates a horizontal perspective: what can be settled on the initiative

of individual communities, should and must not be settled by state activity.

This horizontal or functional understanding of subsidiarity takes the same line as Goethe's motto: "What government is best? That which teaches us to govern ourselves". Functional subsidiarity and in consequence thereof "functional federalism"<sup>5</sup> should ensure the autonomy of cultural life and creates the precondition for exercising cultural fundamental rights. These rights (including media freedom, pluralism of method, freedom of parental responsibility for upbringing and even-handed promotion of public and private schools) are set out in detail and incorporated in the draft charter.

b) For practical and political reasons, the Stuttgart draft follows the Charter and formulates its proposals directly as a complement or amendment to the original Convention's draft. Instead, the Achberg draft is free from that constraint and seeks to take a new approach, which incorporates a wide range of relevant draft charters in its own conception<sup>6</sup>.

What seems decisive about the Achberg draft charter (despite its provisional status) is the clearly recognisable approach to organizing the constitution through a careful distinction between different legal categories: human beings, citizens and peoples. Accordingly, following a summary introduction setting out the universal human rights, it is broken down into:

- 1) "fundamental human rights",
- 2) "fundamental rights of EU peoples", and derived from that
- 3) "fundamental civil rights", including the legislative right through the three stages of civil legislation (initiative, petition, decision). Under this approach, all legislative, executive and judicial power in the EU derives from the relevant level of society (vertical subsidiarity) and, decentralised, from the relevant legal entity

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or functional community (horizontal or functional subsidiarity). This can be developed further and needs public debate.

The question of who is the subject of the rights linked to culture, polity and economy respectively needs to be studied more closely. Who is the subject of cultural rights and obligations? Who is responsible for upholding economic solidarity, who is the subject of economic rights? And, lastly: who are the people as legal communities? This recalls the great European vision of cultural governance based on freedom, a democratic order in politics, and an associative economy based on solidarity.

Looking forward to a future constitution, the Achberg draft charter expands and expresses in concrete terms the traditional right to "human dignity" by specifying the "right to identity" and the "right to freedom of initiative". In this respect, the cultural identity of a person is regarded less as an expression of belonging to a group than as an expression of his personality, his human individuality. By raising questions about cultural

subsidiarity and autonomy, the traditional exclusiveness of vertical federalism will be widened and integrated forms of different concepts of federalism ("integral federalism"<sup>7</sup>, "functional federalism"<sup>8</sup>, etc.) might be found.

With a view to an inter-governmental constitutional conference or *Constitution-building Convention*, conceivable in 2004, the first initiatives for a European referendum have already been launched. Key issues of European cultural governance could throughout this process find easily the attention of the European citizens. It is to be hoped that freedom, as the main motive of cultural autonomy, will be preserved beyond that conjuncture. That is the main motive of cultural history, not only in Europe. *Multi-functional federalism* between the three autonomous realms of society – economy, polity, and culture – might then be remembered. Towards European federalism.

*Updated and shortened background note of an oral statement at the Governance Hearing of the European Commission, Brussels, 16 March 2001*

<sup>1</sup> See [www.eussor.org/interoki/](http://www.eussor.org/interoki/)

<sup>2</sup> See [www.aclu.org/echelonwatch/index.html](http://www.aclu.org/echelonwatch/index.html)

<sup>3</sup> See in particular the draft "*Basic Treaty for the European Union*", dated 11 May 2000, drawn up for the European Commission by the European University Institute in Florence ([http://europa.eu.int/comm/archives/igc2000/offdoc/drafttreaty\\_en.pdf](http://europa.eu.int/comm/archives/igc2000/offdoc/drafttreaty_en.pdf))

<sup>4</sup> <http://db.consilium.eu.int/df/default.asp?lang=en>; see also: <http://www.sozialimpulse.de>; the statement of 27 April 2000 is now available also in English at: [http://www.europa.eu.int/comm/nice\\_treaty/index\\_en.htm](http://www.europa.eu.int/comm/nice_treaty/index_en.htm); see also: G. Häfner, Ch. Strawe and Zuegg, R., "*In der Auseinandersetzung um eine Charta der Grundrechte der Europäischen Union*", in: *Zeitschrift für Rechtspolitik*, September 2000, pp. 365-368

<sup>5</sup> For "functional federalism" see footnote 8

<sup>6</sup> <http://www.IG-EuroVision.org>; see also: "*Die Gliederung des sozialen Organismus als Aufgabe Europas im 21. Jahrhundert*", edition Medianum, Achberg/Lindau, 2000

<sup>7</sup> On "integral federalism" see Lucio Levi, "*Alexandre Marc and integral federalism*", in: *The Federalist Debate*, Torino, No. 2, July 2000, pp. 27-28 ([www.federalist-debate.org](http://www.federalist-debate.org)); on different aspects of federalism see Mario Albertini, "*Federalism*" (1964/1965), in: *The Federalist*, Pavia, 2000, No. 2, pp. 87-112 ([http://utenti.tripod.it/ias/revfiles/2\\_00.pdf](http://utenti.tripod.it/ias/revfiles/2_00.pdf))

<sup>8</sup> For the concepts of "functional subsidiarity" and "functional federalism" see in particular: B. S. Frey and Eichenberger, R., "*The new democratic federalism for Europe - functional, overlapping, and competing jurisdictions*", Cheltenham, 1999, and B. S. Frey, "*Proposition pour un fédéralisme fonctionnel, a-territorial et concurrentiel*", 15 October 2000, <http://www.euro92.org/edi/bull/archives/arch18frey.htm>; for the notions of "horizontal subsidiarity" and "multi-centred governance" see Kalypso Nicolaidis, "*The Federal Vision: Legitimacy and Levels of Governance in the US and EU*", Oxford University Press, 2001

# WFM EC Meeting

(April 6-7, 2001, New York, USA)

The 12-member WFM Executive Committee met on April 6-7, 2001 in New York, USA, at the Headquarters of the World Federalist Movement. Among the items discussed were the status of the International Criminal Court project, the UN parliamentary assembly proposals, the proposed General Assembly resolution on NGO participation, and upcoming United Nations meetings. Also discussed was the financial and administrative status of the International Secretariat. Executive Director William Pace noted that the secretariat has been strengthened in recent weeks by the addition to the staff of a new development team and a new financial officer, with more new hires expected in coming months. A revised budget for 2001 was considered and approved.

The WFM Membership Director Rik Panganiban reported on the status of the WFM membership. He noted that recent efforts to bring in new organizations into WFM have begun to see results as a number of groups have recently inquired about joining WFM or have already sent in applications.

It was decided that the organization needed to examine its own procedures and governance

beginning this year in preparation for the quadrennial WFM Congress, taking place in 2002 in London, United Kingdom. The International Secretariat will begin the process of undergoing a management review with the help of an outside consultant. And the subject of larger governance issues for WFM will be raised at the next WFM Council meeting in Ventotene, Italy, in September 2001.

As a guide to the Executive Committee in their consideration of the process of an internal review of the organization, presentations were made by representatives of two WFM member organizations, the World Federalist Association and FN-Forbundet. Both organizations had recently undergone radical changes in their governance structure to meet new demands on their organizations. The EC found their experiences very helpful as a guide for how WFM might proceed in its own organizational review.

There were also opportunities for the EC to meet with the staff of the International Secretariat, both in a more formal roundtable discussion and a more informal reception organized by WFM assistant treasurer Barbara Walker (*r.p.*).

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# UEF-JEF European Conference and UEF FC in Munich

The Union of European Federalists (UEF) and the Young European Federalists (JEF) have organised a European conference on 31 March in Munich. More than 100 people from all over Europe (Member States and candidate countries) participated in the debate on the draft Treaty of Nice and on the future of the EU.

MEP and Europa-Union Deutschland President Elmar BROK declared that the conclusions of the Laeken Summit (December 2001) will determine the results of the Post-Nice process in 2004. Thus, throughout the next months efforts must concentrate on influencing and leading the process towards the right direction from the start. "Efficiency, transparency and democracy are the keys to achieve citizens' acceptance", he added.

According to Europa-Union Bayern President Markus FERBER (MEP) "Europe should no longer be in the hands of Heads of states and governments - Europe belongs to the people".

European JEF President Paolo VACCA, called on the governments to give a constituent mandate to a Convention. As regards the debate on establishing a "core" of countries supporting the idea of a European federation, he stated that "Europe has proceeded by actions of some governments attracting the others. As the euro has proven, division can be necessary to achieve unity".

Jo LEINEN (MEP) said that "it is not those who desire an ever closer union of the Europeans who infringe the Treaties, but those who prevent them from progress. Use should be made of enhanced cooperation provisions within the Treaties. Nevertheless, should certain governments block

integration, ways of proceeding further could be found even outside of the Treaties".

The UEF Federal Committee, chaired by Jo LEINEN, met on the day after the conference-debate and adopted its Post-Nice strategy.

The UEF urges European and national parliaments to ask for guarantees as regards the opening of a constituent process before they deliver verdict on the Treaty of Nice; further, it invites all European citizens, their elected representatives on local, regional, national or European level, and organisations of civil society, to participate in the great public debate on the finality of the Union, to support a new foundation of Europe on the grounds of a European Constitution.

The UEF has particularly decided:

- to participate actively in the debate on the future of the EU, promoting the establishment of a European Federation;
- to carry on and intensify their joint transnational campaign "For a European Constitution", which was launched in March 1998, with the new title "For a European Federal Constitution";
- to ask the European Council in Laeken in December 2001 to mandate a European Constituent Assembly to draft a European Constitution. The European Constituent Assembly should be composed by representatives with the double legitimacy of the citizens and the States of the European Union. The Constitution should be drafted - after consulting the representatives of the citizens and candidate countries - before the end of 2003, thus becoming the central point of

the European elections campaign in 2004. The proposed Constitution could then, on the same day, be submitted to the citizens' vote in all countries participating in the next election of the Members of the European Parliament;

- to prepare and encourage the creation of "Friends of a European Constitution" committees, at European and national level, in view of the declaration of Laeken and of a joint action of trade unions, various NGOs and the European

Federalist organisations.

Finally, the UEF Federal Committee has called the political parties to agree on European lists of candidates for the 2004 elections to the European Parliament and to nominate a European head of list to be proposed as President of the European Commission.

*UEF Press Release  
Brussels, 2 April 2001*



## Small Arms and South Asia: Civil Society Strategy Meeting

Through a series of national seminars on the challenges of small arms held in South Asian capitals in the first months of 2001, public awareness has been raised, governments have become engaged, a civil society coalition has been launched in India, while in other countries a number of organizations have expressed a desire to pursue the issue further. A regional meeting was to be held in Dhaka to capitalize on the momentum created, to develop South Asian positions on the 2001 Conference, and to begin a dialogue on appropriate regional responses. Due to political uncertainties in Bangladesh, this meeting has been postponed until early 2002.

In order to ensure that this momentum is not lost, a small two-day strategy meeting took place in Colombo in early June 2001 to ensure further South Asian input into the 2001 Conference, and to plan the launch of a regional NGO network at a

major civil society meeting on small arms in the region later in 2001. The meeting was hosted by South Asia Partnership – International, and involved several civil society representatives from each of the South Asian countries (the majority of whom were already on the invitation list to the Dhaka meeting), as well as several international experts.

The meeting focused on brainstorming, planning and joint-strategizing on the following: develop a South Asian civil society "Statement of Objectives" for 2001 Conference; plan a Session devoted to South Asia during 2001 Conference; lay the groundwork for national civil society coalitions and a South Asian regional network; begin planning for a major regional civil society conference for fall 2001; strategize on re-linking civil society activities with an inter-governmental dialogue (*j.a.*).

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# JEF Federal Committee Relaunches JEF Campaigns

On March 30-31 and April 1, the Federal Committee of JEF met in Munich/Germany. Three days of intense debate – on Nice, the post-Nice process, the opportunities for a European Federation after Nice, the Constitution and Enlargement campaigns - with also one session in common with the Federal Committee of the Union of European Federalists - have led to a strong relaunch of JEF campaigns.

The FC had decided to continue with renewed energy the Campaign for a European Constitution, changing its name into "Campaign for a European Federal Constitution" focusing on a strong critique to the Treaty of Nice and a strong intervention in the "post-Nice" debate on "the future of Europe" to: a) claim the foundation of a European Federation as the only answer to today's challenges facing Europe: the enlargement, the birth of the Euro, Europe's role in the global politics; b) urge the Heads of State and Government of the member states to take soon an initiative to arrive at a Constitution to establish a European Federation; c) recall that the creation of a European Federation has to be based on the will of the European people: a European Constituent Convention, directly elected or gathering representatives of the European and national parliaments, should be rapidly given the mandate to prepare a European Federal Constitution; d) call upon the European Parliament and the national parliaments to use the ratification of the Treaty of Nice and any opportunity offered by the "debate on the future of the Union" to express their support to such initiatives, and carry out any possible action to favour them.

The FC has also: a) renewed and focused the activities for the Enlargement of the Union; b) approved a common set of activities for the Constitution and Enlargement Campaigns (among which a Constitution training week-end in Berlin, an Enlargement training in Sweden, and a joint campaign day at the change of the Swedish/Belgian presidency); c) specified some political and organisational points of the campaigns, approving positions on the ratification of the treaty of Nice, the prospective for a European Constitutional Convention, the Enlargement negotiations.

A long part of the general debate has been dedicated to the controversial concept and proposals for a "federal core" or "vanguard countries" to pave the way for a European Federation. After a very passionate debate, the FC has decided to "reiterate our call for the European governments to move together towards a united and federal Europe, and recognise the need to continue the debate within JEF on the idea of a federal core in the context of the post-Nice process".

The FC has launched a very rich Work Plan 2001, full of initiatives and events. Last, it has started the political and organisational preparation of the next European Congress, in Vienna (Austria) at the end of November. The elements above constitute a united and strong political and organisational platform that will allow JEF to play its role in the debate on the future of Europe in the next months. With everybody's contribution, across Europe (*p.v.*).

# Canadian Federalists Claim a WTO Parliamentary Assembly at the EP

At the WTO Ministerial Conference in Seattle at the end of 1999, a European Parliament resolution, calling "on the possibility of setting up a WTO Parliamentary Assembly to achieve greater democratic accountability" [in the most important international financial institution], was adopted by the meeting of all the parliamentary delegations attending the Conference.

Since then, the discussion about the WTO Parliamentary Assembly is a priority issue in the European Parliament: on April 10-11th 2001 the EP organized a seminar entitled "Trade, Development and Democracy: the need for reform of the WTO". A discussion paper was presented by the World Federalists of Canada. The main actors involved towards this goal are,

apart from the WTO and the EP, the organization of the World Federalist and the Interparliamentary Union (IPU).

According to the discussion paper presented by the World Federalists of Canada, at the beginning the WTO-PA should be purely an advisory and consultative body. It should not have legislative powers or the ability to make decisions that would be binding in the WTO. It should follow closely the agenda of the WTO, reflecting the items standing before the Ministerial Conference. It should be composed by a maximum of 300-350 members and it should meet annually as a plenary body. The voting system should be as simple as possible and close to requiring consensus (*an.v.*).



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# Ventotene Seminar Calling Notice

As every year, the Altiero Spinelli Institute for Federalist Studies - together with the Young European Federalists (JEF) - is organising for next September (from Saturday September 1 to Friday September 7) the Ventotene International Seminar on "The European Union, federalism and international democracy". This year the seminar will offer also the chance to celebrate the 60th anniversary of the Ventotene Manifesto.

Leading topics of this year will be, as usual, the general issues of what federalism is, the theory of the federal state, federalism and internationalism, federalism and nationalism, federalism and the other political thoughts, federalism and the prospects for international democracy, alongside the most pressing issues of today's European political debate (Europe

after Nice, the economic and political challenges for Europe after the Euro, the enlargement of the Union, the prospect for a European Constitution, the role of Europe in the new world order and the debate on a European army, etc).

As usual, the role and actions of the federalist movements will be given a special focus. Reports by activists of UEF, JEF and WFM will open each session. Around 50 young activists from all over Europe will join the 50 participants to the parallel Italian seminar. In the last days of the seminar, the WFM will also held its world Council on the island.

The draft programme of the seminar, the enrolling conditions, and the (online) application form can be found on <http://www.ventotene.org.uk>. (*ff*).



# Dedicated to People still Suffering Hunger

Elisa Zanardi \*

Jean Ziegler,  
*La Faim dans le Monde Expliquée à Mon Fils*,  
Paris, Editions du Seuil, 1999

The Swiss sociologist Jean Ziegler dedicates this essay, just simply, to his son Karim. After reading this, Karim will certainly ponder the astonishing everyday indifference of the small minority of wealthy people living on our planet towards those suffering from poverty. Such indifference is for sure the result of a manipulative process, coldly planned by the media and by whoever holds sway over the information domain. If it is true, in fact, that human beings are by nature “herd animals”, driven by the instinct of survival, it is still inexplicable how we can more or less consciously realise what starvation is and how many million people are suffering it, and yet forget about it right away, shrugging our shoulders.

Ziegler’s explanation is interesting: for years Western governments and, even before, the *laissez-faire* economists, have been claiming that Earth is overpopulated and that it does not have enough natural resources to feed its inhabitants. In point of fact, this theory is not true: even FAO, fifteen years ago, reckoned that Earth, considering

the present state of agricultural productivity, could feed more than twelve billion people. The natural selection theory is therefore false, but psychologically useful: “..images on TV of the spectres of hunger, of dying children lying on the floor of a dispensary, of processions of women and men with contorted features coming out of the Sudanese bushes are intolerable to normal people. To placate their guilty conscience, or eager to rebel against such an absurd reality, some cling to the Malthusian myth, to this false science which allows them to forget, to choke down the horror they passively witness”.

The problem, according to Ziegler, does not lie as much with the objective capability of feeding all of Earth’s inhabitants, as with the timely supplying of aid to those areas destitute of provisions because of conjunctural or structural shortages. Dying as a consequence of starvation can not be avoided in the world because the food supplies from the WAP or other international organisations responsible for “emergency” assistance usually come in when people have already reached such an advanced stage of undernourishment that they cannot swallow anything, needing only, by then, specific pharmacological treatment.

Further disaster is caused by the senseless

\* We publish this book review, which is the last writing by Elisa Zanardi, untimely dead on May 25, 2001. We remember her to all those who loved her and appreciated her commitment for federalism. We dedicate to her memory these verses excerpted from the *Poem Fifth* by Dylan Thomas.

*The force that through the green fuse drives the flower  
Drives my green age; that blasts the roots of trees  
Is my destroyer.  
And I am dumb to tell the crooked rose  
My youth is bent by the same wintry fever.*

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arrogance of the men in power in the countries where famines occur: these rulers tend to conceal the real drama for too long, so that, when the state of emergency is finally announced, it is too late. What deeply hurts our feelings about the terrible phenomenon of hunger in the world is that various and effective methods to escape this situation do exist, and have already been tested, but the interests of the most powerful ones always prevail, even when millions of human lives are at stake. Ziegler reports examples of underdeveloped countries which tried to free themselves from neo-colonialism's wrong-doings by turning to more equitable and solidarity-based political models, but always such attempts have been repressed with violence, even if satisfactory results were in sight. Emblematic is the case of Salvador Allende in Chile, or, maybe less known, the case of Thomas Sankara in Burkina Faso, which is worth reflecting about.

Burkina Faso is one of the poorest countries in the world, seemingly without hope until the mid eighties, when Sankara took hold of government and many reforms, mostly social, were started. The excess numbers of civil servants, for instance, which were the result of the corruption of former neo-colonialist governments, were taken over by various provinces, in order to decentralise the bureaucratic system. The captation tax, paid yearly to the local authorities, was abolished; such tax, which farm workers regularly could not afford, had to be paid in kind with oxen, goats, lands, instead of money, so that workers were driven to collapse. In addition Sankara nationalised the arable land, abolishing the custom by which every single head of village decided to which families lands were to be allotted. The results of these reforms were noticeable, since in four years agricultural production rose conspicuously, and investments, made possible by the drop in public expenses, yielded improvements in the infrastructure, training programmes, and the development of handicrafts. The country became self-sufficient in food production and the building

up of a more educated and democratic society was under way. Taking inspiration from Sankara's example, similar expectations flourished in other African countries, shaking the most corrupt regimes like the ones of Ivory Coast, Gabon, and Togo, all of them deplorably supported by Western Europe which, in order not to destabilise a corrupt but acquiescent regime, coldly connived at the request, coming from many sides, that Sankara be killed.

The problem is that corrupt regimes do not remain just as they are, but, with time, they get worse: if in 1960, in fact, 20% of the richest inhabitants of our planet had an income thirty-one times higher than the poorest, in 1998 this gap passed from thirty-one to eighty-three!

Which are the solutions proposed by the author? First of all, in order better to respond, at least temporarily, to the most hopeless plights, urgent humanitarian aid should become more effective; in addition – Ziegler recommends – the attempts at rebellion against corrupt local governments that hinder an equitable distribution of the resources supplied by the wealthier countries are to be supported, instead of repressed. It is very important to invest in really useful local infrastructures, disregarding the interests of the corrupt oligarchies linked with the Western powers. It is important, finally, to correct the wrong-doings of wild capitalism, favouring instead the growth of an economy mindful of the social interest and of a fair distribution of wealth.

Referring to the natural inclination to feel other people's suffering, Ziegler hopes for an "identity consciousness" to be formed, a concept that the author relates to the very moment of the institution of the State. "Since that time, human beings made an initial choice: solidarity. Until then, the capability of identifying oneself with other people was restricted to the family, to the clan, to the village, to people whose features

were well known or whose presence was physically noticed. For the first time, with the institution of the State, human beings became solidary with men they did not know, and that they will very likely never know. The sentiment of national identity, solidarity-oriented institutions, the individual's responsibility beyond his own family, and common law were born". The author expounds then on the State acting as the controller of the free market; it is important to underline that, even if not inclined to think according to a federalist point of view, Ziegler does not believe that the major

problems of our planet (and hunger is for sure one of them) can be solved without recurring to institutional principles uniting people together under some kind of supranational State. "A world inside the world, an enclave of happiness in a world of suffering cannot exist. A world economy relegating one fifth of human beings to non-existence can't be tolerated. If hunger does not disappear quickly from the world, an acceptable humanity will not exist anymore. It is most important then to bring back to mankind those suffering human beings, today cast away and perishing in the shade".



## The Federal Future of Europe

*Lucio Levi*

**Dusan Sidjanski,**  
*The Federal Future of Europe,*  
Ann Arbor, The University of Michigan  
Press, 2000

The English edition of this book, already available in its original French edition since 1992, now makes accessible to English-speaking readers, an important contribution to the study of the process of European unification. It is not simply a translation of an eight-year-old book. The historical coverage is updated until the most recent events such as the Treaty of Amsterdam and the conflict in Kosovo and consequently new evaluations are added.

As the title suggests, this book is an illuminating analysis of the European unification, which draws its strength from federalist theory.

The prevailing standpoint in political culture still is the national one. National culture has instilled in everybody's mind the tendency to consider as the normal reference point for political thought one's own nation, and for political struggle the struggle for power in one's own State. Yet the tendency towards the unification of mankind, of which the European integration represents the most developed manifestation, is unceasingly progressing against the resistance of national States. So, the national political culture proves more and more to be an obstacle for understanding and controlling the reality of an ever more interdependent world, proceeding irresistibly towards unification.

European integration has been the occasion for profound revisions of our political culture, which have shed new light over our past and at the same time made it possible to consider from

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a new perspective the great problems of the contemporary world. However, European unification is still a process yet to be completed, and only when it will reach, with the foundation of the federal State, its irreversible goal, could the new culture find the final verification of its validity.

Sidjanski's book demonstrates the superiority of the supra-national standpoint (which has its most coherent expression in the federalist theory) as the most appropriate for evaluating the events of contemporary history, for understanding them theoretically and for mastering them practically.

Since it is impossible to present a complete account of the numerous and meaningful contributions to the understanding of the different aspects of European unification which emerge from the reading of this book, I will confine myself to quote the conclusions reached by Sidjanski when he illustrates the new European federal model, namely the guidelines of

the European Constitution, conceived as the crowning of the long process of European unification. "The Council would become... a Council of States... exercising legislative functions together with the European Parliament. In this way the legislative power would be entrusted to a double-chambered institution composed of a Council of States and the European Parliament... The European Council, representing the top executive of member states, could take on the role of a collegiate EU presidency... The European Commission would become a fully fledged executive body or *government of the European Union*" (pp. 413-414).

These proposals coincide perfectly with the views contained in the document on the European Constitution presented in another section of this review. This is a confirmation of the fact that the federalist paradigm is not only a powerful tool for historical and political analysis, but is also an approach which leads those who employ it to the same revolutionary conclusions.



# Europe and the Control of Globalisation

*Francesco Ferrero*

**Ulrich Beck,**  
*What Is Globalization?*  
London, Polity Press, 2000

Political debate over globalisation is relatively recent, but capable of catalysing great excitement as shown by recent international mobilisation

against uncontrolled globalisation, such as those of Seattle, Prague, and Nice. In this context it may be useful to rethink this interesting book written by Ulrich Beck, in which the author makes an important effort to better understand this phenomenon and to identify all related risks and opportunities.

The main point in Beck's analysis is the deep gap

between political action, firmly tied down to a national perspective, and the present historical and political context, marked by globalisation: "The model of the first modernity, a modernity based on national states, thought and organised bearing in mind the unity of a certain cultural identity (the nation), becomes problematic, without foreseeing or wishing a new unity including the humankind, the earth, the world state". This revolutionary situation is the product of globalisation, defined by Beck as "the process by which nation states and their sovereignty are influenced and linked transversely by supranational actors, with their chance of power, their guidelines, identities and networks".

This passage to what Beck calls second modernity is characterised by its irreversibility. Among the causes of this irreversibility the author counts the geographical extension of international trade, the connection of financial markets and the growing power of multinationals, the permanent revolution in information and communication technologies, issues such as those of global poverty, environmental destruction, international claiming of human rights, due to which humanity has become a community of destiny.

Faced to this situation there are two levels of political action. On the one hand the national political actors, incapable of understanding the revolutionary significance of this phenomenon, stand up for the last remnants of national sovereignty, calling for a new "protectionism" which – besides being impossible – will end up deepening the conflict with the "outcasts", that see in the internationalisation of trade an instrument to come into play, and wasting the opportunities offered by this revolution. On the other hand supranational actors (economic potentates on the front line) fuel the neo-liberism ideology, that Beck defines *globalism*, according to which the world market removes and replaces political action (...) getting rid of one fundamental difference marking the first modernity, that

between economics and politics. The central task of politics, that is to determine juridical, social, ecological conditions essential for the political action to be socially possible and legitimate, escapes sight or is no longer mentioned".

Behind this performance of *globalism* Beck sees – hitting the mark – the will, peculiar to a part of global capitalism, to break off the historical alliance between capital and labour, in which liberal democracy has been rooted up to now: "While multinationals' margin of profit gets higher and higher, these firms take away from states (...) both jobs and fiscal drag (...) The two chronic poor – state and subordinate employment – have to pay by themselves for the "luxury" of the second modernity (i.e. state-of-the-art schools and universities, effective traffic systems, conservation of landscape, safe streets, liveable towns) benefiting also the wealthy".

In this mechanism the author identifies great dangers for democracy which is grounded on a social contract no longer respected. Approaching federalist perceptions, he hopes that political action will be able to regain its lost planning skills, giving up the pointless national approach. As the federalists, Beck has the merit of denouncing the ideology of those that, as Guéhenno<sup>1</sup>, claim – facing the crises of nation state – the end of the state *tout-court*: "(National) state is grown old, but one cannot renounce it; and not just to guarantee domestic politics and geopolitics, political fundamental rights, etc., but also to organise the process of globalisation politically, to rule it in a transnational perspective: (...) the model of transnational state clearly denies that of *national state*, but takes up the *state* (in its concept) . The notion of state gets out of the territorial trap implicit in the theory of national state and opens up to a concept of state that: (i) acknowledges globalisation (...) as an irreversible state of things and (ii) regards the management of transnational aspects as a key point to redefine and revitalise politics (not just at the state level, but also at the

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level of civil society)".

In his attempt to better define the nature of the transnational state Beck, however, faces serious difficulties. He postulates correctly that such a state should be founded, in accordance with Kantian intuition, on the pacifism of law: "without the creation and consolidation of international law and of its legal stances it is impossible to solve transnational conflicts by peaceful means". Going even further, he gets to acknowledge that without institutions able to enforce the ruling of international courts, their work will be a vain exercise: "the fundamental pillar of the pacifism of law, in a transnational order, may be the necessary condition, never the sufficient one, to peacefully rule out conflicts". In his search for institutional solutions to the problem, Beck bumps into the federalist approach; however he immediately dismisses it stating that "a supranational institution would be either ineffective or monopolised each time by the most powerful state, and this would end up being a World State. However this would be an authoritarian solution, from which no one would be able to escape. Moreover it would be extremely fragile because it would substitute plurality with unity without an institution able to settle disputes". This is really an unrewarding judgement by which the author doesn't seem to grasp the federal principle of coexistence of many, co-ordinated and independent layers of power, and where a Supreme Federal Court could solve conflicts of jurisdiction on the basis of constitutional law.

The refusal of federalism leads Beck to put forward the proposal of transnational state as "a *moving together* of national states", that is a kind of co-operation, however reinforced, among sovereign national states: *nihil sub sole novum* (nothing new under the sun). In his outlook

transnational networks of consumers and NGOs, embryo of world public opinion, would influence national ruling classes and international economic powers by means of an intelligent use of their purchasing power and through worldwide campaigns of information and boycott. This is truly a weak model; even the author recognises its limits, without being able to overcome them. To start with, this approach "assumes a certain degree of purchasing power, leaving out those who don't have it"; moreover "it is not clear how to put effective limits to competition among nation-states for investments and jobs", and also, from our point of view, how to implement unavoidable decisions which are against the national interest of a certain government.

The last part of the book deals with Europe underlining the importance of European unification as an attempt to govern globalisation: "The key point is that without Europe there is no answer to the globalisation process; (...) only in the European cross-national space the policy of each State can stop being menaced and become an actor of organised globalisation. (...) Such an important institution as the European Union could restore the primacy of politics and such co-operation among states could improve the effectiveness of public intervention in the social and economic field". What is missed by Beck's analysis, due to his misunderstanding of federalism, is the fact that it will not be the Europe of the nation states that will overcome challenges coming from globalisation, as proved by the sad show seen in the latest inter-governmental conferences (IGCs) charged to redefine European institutions to adapt them to the new global reality, but that only a federal Europe, for which federalists have been fighting since fifty years, will be able to overcome those challenges.

<sup>1</sup>Jean-Marie Guéhenno, *La fin de la démocratie*, Paris, Flammarion, 1993

# To Democratically Govern the World, Heads Well-Done Are Needed

Grazia Borgna

Edgar Morin  
*La Tête Bien Faite*  
*Répenser la réforme, Réformer la pensée*  
Paris, Éditions du Seuil, 1999

This book by the eminent French sociologist and philosopher Edgar Morin, addressed to teachers and citizens alike, deals with the problem of how schools should be reformed so that they can educate young people to meet the challenges posed by globalization; a truly cosmopolitical educational plan.

The author argues that teaching must strive to portray the history of mankind in its globality. By studying in-depth pre-history, for instance, the moment clearly emerges in which the pursuit of "hominization" started, the transition "from animal to human", "from nature to culture". But that moment, which coincided with the dispersion of *Homo Sapiens* over the whole planet, continued with the XVI century's geographic discoveries on a planetary scale, and continues right up to the present globalization process, brought about by the scientific revolution.

An important element to be pointed out is that today, thanks to the discoveries of the XX century, we have the scientific evidence, however different the ethnic groupings may be, of the genetic unity of our human species, cerebral, psychological and affective. This does away once and for all with the theory of racial division of mankind. From the new sciences like ecology, earth sciences and cosmology, another crucial element is clearly

proved. Man is part of the life of earth and the universe, and he cannot change its delicate equilibrium without causing damage. Moreover, man's awareness of sharing a single community's common fate is made greater by the cognizance of the dangers looming ahead for the human race, like the threat of nuclear weapons, environmental catastrophes, the uncontrollable developments of the economy and the re-emergence of barbarism and ethnic nationalisms. Edgar Morin notes that the globalization process currently under way makes the growing of our awareness even faster, because it imbues every aspect of people's working, family, social and cultural life.

Coping with this new world is not easy, but it is necessary if we are to take back our right to make the choices on which our future will depend, and to fill up the serious democratic deficit (due to the appropriation by part of "experts" of many vital areas) existing today. We must undergo a truly cultural revolution, "a reform of thought and institutions".

The author believes that school should prepare young people to claim for themselves the right to world citizenship and to give an active contribution to managing an ever-more-complex world. To accomplish this, young people shall rely on a school fit for the times, suitable for preparing what the author calls "heads well-done": heads adequately equipped to cope with the new cultural, social and civic challenges. School, Morin says, must not merely transmit a mass of knowledge, but has to give rise in young people to the ability of transforming that knowledge into sagacity: "a deep inner state" which could give

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them a model for interpreting reality, orient them "once and forever for all their life".

School must teach young people "to learn how to live", to acquire a "critical conscience". This type of knowledge is arrived at by learning both to contextualize and to globalize. For example, "to recognize cultural diversities in human unity", and the latter in diversities, opening themselves up to a planetary context. A "head well-done" will be able to refuse the dichotomy between a humanistic and a scientific culture, to oppose critically a world dominated by scattered information and by a proliferation of specialized disciplines, and above all to counter the weakening of the individual sense of responsibility caused by the globalized world. It is important that the young learn how to cope with the challenges of globalization and complexity, both in their everyday life and in their social and political life, national but also world-wide. In Europe, for example, educating to solidarity and to a European identity cannot go without tending to acquire a *world* identity and solidarity.

The road for overcoming the widespread sense of impotence in confronting the big planetary problems passes through claiming the "right of knowledge", the right to fill up the democratic deficit at the world level by becoming the active subjects of a supra-national political community including all mankind, no longer discriminating on grounds of race, culture, religion or gender. It would be very important for the young to acquire the necessary lucidity for countering any dogmatic view and to learn "to doubt", an essential tool for avoiding "to be possessed by an idea", which always is a partial truth and often in the past turned from a means for interpreting reality into a justification for dying and killing, "obscuring" reality.

The awareness of the limits of knowledge, typical of the XX century, has made it evident that the uncertainty of the future of individuals and of all

mankind cannot be eliminated. This awareness does not necessarily lead to inactivity or resignation, but on the contrary it may lead to "thinking positive" (revolution of thought), and to getting actively involved, and help choose an appropriate strategy for reaching the goal. Being aware that "life is an adventure", that no value is to be taken for granted, that reaching the goals is "a bet", does not prevent one from choosing to be actively involved. For such an involvement – Morin states – the starting point can only be "to take upon oneself the human condition" in its globality and to claim the right to become citizen of a supra-national political community; not just of one's own state, then, but of the world, as even "for acting locally it is necessary to think globally" and vice-versa.

This book has valuable suggestions for those who operate in schools and in general with young people. School is no longer regarded as an instrument of ideological national indoctrination, but rather as the carrier of new universal values: school must educate to supra-nationality. Forming "heads well-done" is the *conditio sine qua non* in order for men to regain confidence in the possibility to change the world, by opening up and confronting themselves with others, rather than closing themselves into nationalism and racism. But is it really possible to become world citizens if a democratic world-State does not exist? In the absence of an institutional framework which allows the carrying out of a democratic life at the world level is it possible to democratically manage mankind's common destiny? Without a world federation of states is it possible to create the foundations for banning war forever, replacing the rule of force with the rule of law?

In this important message Morin is giving us there is no trace of a more precise indication as to the institutional tools most suitable for ruling and steering the globalization process. It is the task of the political and social organizations to lead the way.

# War and Democracy

René Wadlow

**Spencer R. Weart**

*Never at War: Why Democracies will not Fight One Another*

New Haven, Yale University Press, 1999

Spencer Weart, who has a background in the history of science, sets out clearly the theme of his study: "The message of this book is that well-established democracies are inhibited by their fundamental nature from warring on one another. I could find no plain counter example to this rule, even in remote historical locales". Weart does take the reader through a variety of neglected conflicts such as those among the Swiss republics during the Middle Ages and the Italian city-states during the Renaissance. In fact as he writes "It cost me a year of research into the detailed history of each Italian city".

A republic is defined as a state in which political decisions are made by a body of citizens who hold equal rights. If this body is less than one-third of the male population, the republic is considered oligarchic. Thus, even in the Renaissance, he finds no wars among republics as one is always more autocratic than the other in the wars.

He has reviewed closely the literature on the pacific nature of democracies of which the writings of Kant is an important representative in what he calls "Investigating the Puzzle of Democratic Peace". He deals little with the possible contribution of anthropology. There have always been limitations on the power of chiefs. Thus, one could speak of "democratic tribes" and

look at their war-peace record. Weart does not pursue this possibility, maintaining that "Not to be overlooked is the distinction between republican states and 'democratic' tribes or other anocratic regimes. Here, the key question is whether there exists a government that commands allegiance above what people give to kinship groups and factional leaders, a government capable of restraining private violence. It is not any 'republic' but only republican territorial states that avoid war with their own kind. Some set of constitutional and social mechanisms, sustaining republican governance, are structural preconditions for keeping peace".

The one tribal case he does consider is the struggle between the Cherokee and the state of Georgia, USA. The Cherokee, inspired by Protestant missionaries and led by their own chiefs, had in 1827 written a republican constitution based on that of the USA. This did not prevent the relatively democratic state of Georgia from grabbing their lands the next year, 1828, and pushing the Cherokee westward.

Republican forms of government work peacefully among those considered as equals. Groups which fall, by definition, outside the circle of equals are not exempt from attack, as the colonial wars of democratic France and England remind us.

Weart sees the heart of democratic peacefulness in the nature of the political culture of the ruling elites. "A leadership group relies on a political culture, by which I mean a particular set of beliefs about handling conflicts with others (beliefs stable enough to be linked to compatible customary

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practices). Leaders tend to take the beliefs and practices that they use domestically with fellow citizens and apply them in conflicts abroad. In particular, republican leaders are inclined to use the practices associated with a republican political culture, namely tolerant, nonviolent public contestation, aiming at mutual accommodation for the common good” when they deal with foreign counterparts.

However, the democratic political culture has not prevented civil wars. The Civil War in the USA was one of the most destructive of life of the wars in which the USA has fought and left long-lasting

scars. Likewise, the recent, relatively democratic elections for President in Russia coincided with a bloody civil conflict in Chechnya.

The peacefulness of democratic states must be more than just a statistical exercise. One must look at all forms of violence – including ‘trade wars’ – which can take place among democratic states. If peace depends as much on political culture as Weart maintains, we need to look more closely at political cultures. We need to look beyond such traits as fair elections to analyse whether a particular political culture is in reality the foundation of a culture of peace.



## US Removed from UNHRC

President George W. Bush and members of Congress reacted with disappointment and outrage to the removal of the United States from the United Nations Human Rights Commission (May 3, 2001). The White House press secretary, Ari Fleischer, said that despite Mr. Bush's disappointment, the United States would "push forward and continue to make the case about the importance of human rights".

The US had been a member of the commission since it was created in 1947. Analysts offered several factors that contributed to the US defeat, including a campaign by rights-abusing nations to avoid scrutiny, resentment toward the Bush administration for unilateral stances on issues like global warming and missile defense, the growing independence of the European Union and a failure by US diplomats to do proper legwork before the vote.

In the US Congress leaders from both parties expressed outrage that nations whose records have long been criticized by the US apparently banded together with European nations to quell Washington's voice. A spokesman for the House, Dennis Hastert, Republican of Illinois, said the action might force lawmakers to reconsider a carefully wrought agreement worked out between the Senate and the Clinton administration to pay outstanding American dues to the UN. Senate Foreign Relations Committee Chairman Jesse Helms, a frequent critic of the United Nations despite being an architect of the back-dues payment agreement, said, "The absence of the United States will mean that the victims of human rights abuses will no longer have a spokesman to defend their hopes for liberty and freedom".

Four nations competed to fill three Western vacancies for three-year terms on the 53-member commission. France had 52 votes out of a possible

54, Austria got 41 and Sweden 32, although there can be some overlap, as there is now. The US trailed with 29 and was eliminated. The US will still be able to address the commission as an observer and will even be able to sponsor resolutions and lobby for support, but some diplomats said the loss of vote will affect the whole institution. "The major democracy in the world is outside the commission", a diplomat said. "The major protector of human rights, the champion of human rights is out, so what kind of commission is this?". Former Secretary of State and UN Ambassador Madeleine Albright said the expulsion was a reflection of "short-term anger that has long-term effects, and I think it's very unfortunate. It's a serious blow, but it's as much a blow to the UN, ... which has sidelined itself on human rights issues".

## Lloyd Axworthy Asks for an "Internationalist Federalist Papers"

In a Conference at Princeton University "A Constitution for the Ages: James Madison the Framers" (February 22-23, 2001), celebrating James Madison's 250th birthday, Lloyd Axworthy, former Canadian Foreign Minister, proposed the writing of a form of "Internationalist Federalist Papers" to deal with the question of international governance.

In his words: "... You can no longer ignore the international stakeholders, civil groups, NGOs, and others who are all saying we have to be part of the decision-making, we have to be part of the policy-making, we have to have our rights recognized. And yet our governance system internationally is so far behind the curve incorporating that new reality that we don't have

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any constitutional basis for beginning to acknowledge it or deal with it.

In November I led the Canadian delegation to the Hague Convention, which is dealing with perhaps the most significant security issue of our time, global climate change. It is going to transform the world. It has transformed the world. The Hague Convention with 10,000 people was a *comédie de l'art*. We had people in whale costumes; people throwing sand bags; environmental ministers trying to decide if they were green, blue or red. It was not in any way designed to make a decision. To bring together this vast array of business interests, environmental interests, national interests, NGO interests, in this huge colloquium and expect some decision to be made is an act of fantasy and imagination.

Where is Madison when we need him to develop the capacity and the governance systems? It is particularly important in this country [the United States] where there is, if I can be so bold to say, a tendency toward unilateralism as opposed to multilateralism. This is the same debate that Madison went through – states rights versus national government – that you are now seeing being played out in the debate between the sovereign rights of nation states and the need for the international community to get its act together and begin governing on global based issues. That's why I think we need an International Federalist Papers" (*f.f.*).

## Died the Last Signer of the UN Charter

Harold Stassen, who had been the last surviving signer of the United Nations charter, died March 4, 2001 at the age of 93. Stassen was elected to the first of three two-year terms as Minnesota

governor in 1938. He was 31, making him the nation's youngest governor. In April 1943, four months into his third term, he resigned and joined the Navy, where he served in the Pacific as assistant chief of staff to Adm. William Halsey. Before the war ended, President Franklin Roosevelt appointed him to the U.S. delegation to the meeting that drafted the United Nations charter.

## Ratified the Constitutive Act of the African Union

At the beginning of March, forty African leaders met in Sirte for a two days summit, called Sirte II, at the invitation of Libyan leader Muammer Gaddafi, to set up an African Union similar to the European Union. Among the leaders who attended the summit there were Nelson Mandela, the former South African president, Yasser Arafat, Palestinian leader, Joseph Kabila, the new president of the Democratic Republic of Congo (DRC) and Gnassingbe Eyadema, the current OUA chairman who is the Togolese President; the heads of the states from Burkina Faso, the Central African Republic, Chad, Ivory Coast, Gabon, Ghana, Kenya, Liberia, Mali, Mozambique, Namibia, Senegal, Sierra Leone, South Africa and Zambia.

At the summit in Sirte in 1999 (Sirte I) Colonel Gaddafi proposed a "United States of Africa". The response from fellow African countries was decidedly mixed, with key regional players including South Africa and Nigeria making clear they had reserves.

At Sirte II 44 heads of state and government of the Organisation of African Unity (OAU) proclaimed the birth of the African Union (AU), which will not be an African Federation, but a reshuffle of the

OAU. The Union will replace the OUA and, following a model loosely based on the European Union, would have a parliament, a central bank, a monetary fund and a court of justice. The formal birth of the Union took place on May 26, 2001, 30 days after two-thirds of member states, that is 36 countries of the OAU's 53 member states, had deposited the instruments of ratification (*a.s.*).

## Latin America between Integration and US Hegemony

A free-trade area extending from Alaska to Patagonia, and comprising 34 States and more than 800 million people: this is the impressive business-card of FTAA/ALCA, the free-trade area of the Americas which was launched on April 7th in Buenos Aires at the sixth meeting of the hemisphere's Trade Ministers and later ratified during the third Summit of the Americas, held in Quebec on April 20th-21st, 2001. As can be immediately understood, this is a project of a planetary importance, firmly supported by the Clinton administration to make up for the delay in regional integration processes, relative to Europe; the fact that the agreement could be reached only by Colin Powell and George W. Bush is a clear indication of the difficulties that had to be faced during the negotiations. In fact it was not easy to overcome the suspicion of the major Latin-American countries, fearful of giving the USA a considerable unilateral advantage. Mexico's little enthusiasm, due to its reluctance to enfeeble its own preferential access to the US market obtained through NAFTA, represented the main reason for delaying from 2003 to 2005 the date when the agreement will fully come into force.

However the obstacles to be overcome before then are still many, mostly at the southernmost part of the American continent: indeed there will

be to see what position the MERCOSUR member countries, in particular Brazil and Argentina, which are its natural leaders, will actually take in regard to the FTAA/ALCA project. Although from many quarters the obituaries of the Treaty of Asuncion have already been written, it looks quite unlikely that De La Rúa and Cardoso (who several times stated that "MERCOSUR is our destiny, ALCA just an option") really have the intention of reopening the doors to US hegemony in the area, relinquishing a role of relative protagonism acquired with great difficulty over the last decade. Or even of diluting the potential of a common market which, before the ravaging financial crisis of 1999/2000, showed to be capable of reaching a remarkable degree of internal cohesion and of raising very good prospects of integration, not only in the economical plane.

On this point, Europe's role cannot be ignored: since the birth of the common market of the southern Cone it has tried to assert itself as its privileged interlocutor, and recently the President of the European Council, Gutierrez, stated again that the understanding between the two regional integrations is the best way for "building a new multipolar world order capable of limiting the natural hegemony of the United States". It is not by chance then that Argentina's new super-minister for economy, Cavallo, among his first measures rejected a free-trade bi-lateral agreement with the USA (reasserting his preference for continuing negotiations towards the creation of FTAA/ALCA) and opted instead for converting into Euros a sizeable part of Argentina's reserves, with the not-so-secret intention of disengaging himself in the future from the convertibility with the dollar.

So, it is evident that in South America an important game is being played for defining the future global arrangements; in order to proceed on the road of integration, it is then necessary that the Bush administration, if it wants to convince its continental partners to engage more resolutely in favour of FTAA/ALCA, shall not linger on high-

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sounding slogans ("the challenge is to go from the American century to the century of the Americas", George W. said in Quebec), but that it be available to greater concessions on the trading plane, and above all that the European Union be able to make

the MERCOSUR member countries understand the virtues of advancing further in the common market. However, considering how motionless the Fifteen have recently shown to be in this action, being optimistic does not look reasonable (*s.c.*).



# Shazia Rafi

Executive Director of Parliamentarians for Global Action<sup>ex</sup>

*Interview by Barbara Walker*

*Would you like to explain to our readers what are the structure, role and objectives of the PGA?*

PGA as a dynamic Network of Individual Democratically Elected Legislators was established in 1978-1979 by concerned parliamentarians from around the world to take joint action on global problems which could not be solved by any one government or parliament. Early initiatives spurred by globalists such as British MP, Henry Osborne, who established a World Association of Parliamentarians for World Government, US world federalist, Sanford Persons and many others including administrators from UNDP had generated parliamentary activity world-wide.

While the initial driving force for Parliamentarians for Global Action (PGA) was on the critical need for disarmament, today the organization works on an expanded list of global issues - fostering democracy, conflict prevention and management, international law and human rights, population, empowerment of women, and economic reform. PGA is action-oriented. Its specific programs are under the political direction of a 15-member Board with a structure which allows Global Action to effectively push policies at national, regional, and international levels. PGA's leadership includes a thirty-three member International Council representing all regions of the world which works closely with the UN system through an advisory body comprising senior UN ambassadors, high-level UN officials, and some leading NGO representatives. The current chair is Ambassador Hans Dahlgren of Sweden.

As elected legislators, PGA members bring the mandate of their constituents and a responsibility

to them as well. This gives PGA an authority on policy matters vis-a-vis the executive branches of their governments and civil society. PGA has in its membership a concentration of high-level politicians, including Prime Ministers, Cabinet Ministers, and Chairs of Finance, Foreign Affairs, Population, Health, and Defense Committees. Many of PGA's (currently) 146 members have left their parliaments for higher government posts such as the Presidency of Iceland, Presidency of Botswana, former Prime Ministership and Presidency of Trinidad & Tobago, and Vice Presidency of Dominican Republic. As an NGO of parliamentarians, PGA is also able to create effective partnerships with civil society groups, thereby enhancing the role of parliamentarians as the intervening link between civil society and international executive authority. PGA's programs on women, peace and democracy, a nuclear free world, and international law work in close cooperation with NGOs and leading research institutions in these fields.

As PGA's guiding principle is bringing the input of key players from both government and opposition and its close working relationship with members serving on relevant parliamentary committees, it is an invaluable agency for the negotiation and implementation of successful policy. PGA has had an extremely effective track record with intergovernmental organizations such as the UN Secretariat, UNDP, UNFPA, UNICEF, UNIFEM, UNESCO, the World Bank, Asian Development Bank, and International IDEA.

*With the Millenium Forum, for the first time in history the General Assembly Hall has given*

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*hospitality to a popular gathering. What is the significance of this novelty?*

PGA found the themes of these gatherings were very broad nor particularly relevant to PGA's work. Since 1979 PGA has been bringing parliamentarians to the United Nations. As states are now routinely putting parliamentarians on their delegations, linkage with parliaments is becoming more established.

From spring 2000, PGA has been involved with a number of vital programs world-wide which are relevant. Some key program areas promoted by PGA:

1. *International Criminal Court (ICC)*. Through action by parliamentarians supporting the *Ad Hoc* Tribunals and the ratification of a permanent International Criminal Court (ICC), PGA's East African Conference on ICC Ratification was held June 5-6, 2000 in Arusha, Tanzania. At that time none of the East African States had ratified the ICC statute. In 2001, February saw: a one-day event Panel Discussion on "International Co-operation against International and Transnational Crimes" in Teramo, Italy, a two-day conference sponsored by the European Commission and the Government of Canada in Lisbon, Portugal on ICC Ratification in Lushopone Countries, a



Meeting for Members of Parliaments and Civil Society from ECOWAS States, especially those that ratified the ICC Statute. And from 26 February-9 March 2001 at the United Nations, New York, PGA was involved in the "VII session of the Preparatory Commission for the International Criminal Court". Then the 25 April in Copenhagen, Denmark, PGA's briefing at the Parliament of Denmark for MPs with Ambassador P. Kirsch, President of the UN Preparatory Commission for the ICC was significant, as well as a series of one-day events sponsored by the European Commission. Member States of the Southern African Development Community (SADC) in early May proposed to the Swaziland authorities a National ICC Workshop on Ratification and also scheduled for Pretoria, South Africa a Parliamentary Workshop. In addition, scheduled for 2001, 29/31 May in Windhoek, Namibia there is to be a PGA component sponsored by the European Commission to be held at the Workshop on Ratification and Implementation of the Rome Statute of the ICC; and for 4 or 5 June 2001 (one day event) in Gaborone, Botswana on effective implementation of the Rome Statute in the legal system of Botswana, and the role of SADC in the Court's Assembly of the States Parties. June - October 2001 will see events in Katmandu, Nepal, Dhaka, Bangladesh and in October-November 2001 in Tunis, Tunisia, a meeting on the ICC to be hosted by the Parliament of Tunisia and chaired by PGA member Hon. Mohammed Aouini, President of the Legislation Committee of the Parliament of Tunisia.

2. *Peace and Democracy.* PGA works to resolve conflicts; national, regional, international through democratization in its entire continuum: election assistance, preventive political action, conflict management, and consolidation of democratic institutions with the emphasis on good governance. In March 2001, PGA sent a parliamentary delegation to Abidjan, Cote d'Ivoire on an electoral observer

mission. Disarmament is a key complementary goal. The Peace and Democracy program works with parliamentarians on two levels: first, PGA with those in countries in transition to assist them enhance their role as parliamentarians so that they can function more effectively to manage conflicts at the national level; second, as external advisors to other parliamentarians. Through the exchange of experiences and strategies, creative political compromises are struck. Parliamentarians have a large role to play in peace politics. By becoming active and informed participants in disarmament issues, they can effectively pressure their governments to move beyond national security defined solely in military terms. Many key disarmament treaties (such as the Comprehensive Test Ban Treaty [CTBT]) have yet to be ratified and require political commitment to move forward. PGA's *Parliamentary Appeals* are also a tool to express the global parliamentary community's commitments to democratic principles. PGA Appeals have contributed to shifts of policy in various countries where the governments felt the international pressure against a particular action they had taken. PGA Appeals can be an emergency mechanism as well as a forum to express the voices of the international parliamentary community. Some PGA Appeals have been: "Kosovo Appeal", Resolution on the Crisis in Kosovo; "Term Limits Appeal", the Respect of Constitutional Term Limits; "Nuke Appeal", Defusing the Nuclear Threats in South Asia; "Iraq Appeal", Peaceful Resolution of the Crisis in Iraq; "Kenya Appeal", Safeguarding Democracy in Kenya; "Cambodia Appeal", Restoring Democracy in Cambodia.

3. The goal of PGA's *Sustainable Development and Population (ICPD)* program is to mobilize and assist parliamentarians in creating a favorable environment for development through the implementation of effective reproductive rights, policies and programs. Since the International Conference on

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Population and Development (ICPD), held in Cairo in September 1994 which was a watershed for global population and development initiatives, PGA has been mobilizing the political will necessary to prepare for and implement the ICPD Program of Action since 1992. Thus a third annual PGA Conference on the subject was held in Ghana in May, 2000.

4. For the *Empowerment of Women*, PGA's goal is to enhance measures for women's equal access to and full participation in political structures. On June 9, 2000 following the Beijing + 5 Review, PGA's meeting at the U.N., "Women in Power", brought together women legislators and government ministers from industrialized and developing nations. At this meeting the Women In Legislative League (WILL) web site was launched.

5. *Economic Revitalization*: Despite the important role parliamentarians play in economic decision-making, often they are left out of this sphere. Traditionally, International Financial Institutions would only consult Ministries of Finance to negotiate economic packages; the same packages that the parliament is later asked to approve and get the public to adhere to. PGA recognizes this incomplete link

between the International Finance Institutions and legislators and seeks to facilitate consultation and dialogue by bringing legislators together with international development bank experts. Through the Business Council, PGA will also promote dialogue between parliamentarians and the private sector on important issues which can be highlighted at its Regional Forums as well as other issues addressed by PGA's other programs.

*One of the most significant proposals which emerged from the Millennium Forum was the United Nations Parliamentary Assembly. How do you assess this proposal?*

Although PGA has been an originator of this idea, since 1991, currently there is less enthusiasm within their network and parliaments. Additional monies would be required; power is currently shifting away from the United Nations towards other centers: i.e. Washington with the Bretton Woods organisations; Geneva with the World Trade Organisation and other political initiatives such as NATO, the European Union, etc. If there is to be a parliamentary assembly, priority would be for the Bretton Woods organisations.



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